[redacted]

Library

MILLS COLLEGE
PRO CHRISTO ET MUNDO
A 1865 :: C 1885
CALIFORNIA

THE FACSIMILE TEXT SOCIETY

SERIES I: LITERATURE AND LANGUAGE

VOLUME I

JOHN DONNE

BIATHANATOS

JOHN DONNE
BIATHANATOS

Reproduced from the First Edition

With a Bibliographical Note

BY

J. WILLIAM HEBEL



Mills College Library
Withdrawn

THE FACSIMILE TEXT SOCIETY

NEW YORK

1930



Printed in the United States of America
by The National Process Company, New York

179.7
D685b 56601

BIBLIOGRAPHICAL NOTE

For this reproduction of the undated first issue of the first edition of *Biathanatos* the copy in the Library of Congress has been used. This copy has been exactly reproduced: the size of the type page is that of the original, and the imperfections of the copy have not been corrected. Immediately following this note the title-page of the dated second issue of the first edition has been reproduced from the copy in the Library of the Union Theological Seminary.

It has been customary to date the first issue 1644, from the date of the licenser's imprimatur, '20 *Sept.* 1644', printed at Sig. Ee2 *verso*. But the volume was not entered in the Stationers' Registers by the publisher Henry Seyle (or Seale) until September 25, 1646. Although there are at least two known instances of entry after publication (see *The Library*, 4th series, vi. 52 and vii. 380), entry in the Stationers' Registers is better evidence for the date of publication than the licenser's imprimatur. There is no known reason why Seyle should have delayed entering the volume for two years, so until further evidence is discovered 1646 seems a more probable date for the publication of the first issue than 1644. There is slight corroborative evidence for this later date: of the three known dated presentation copies of the first issue, the earliest is 1647 (*Bibliotheca Heberiana*, pt. 8, p. 37, item 728; G. Keynes, *Bibliography of John Donne*, p. 63; Catalogues of the Britwell and Kern Sales).

The sheets of the first edition were re-issued by

Humphrey Moseley with a new title-page dated 1648, although the volume was not transferred from Seyle to Moseley in the Stationers' Registers until June 13, 1649. This second issue was on sale as early as December 2, 1647, for on that date Thomason bought his copy (British Museum press mark, E. 418. [11]). A careful collation of the first and second issues shows that the sheets are identical except Sig. S. In the Union Theological Seminary's copy of the second issue this signature is a completely different setting from the same signature in the Congressional Library's copy of the first issue. The Princeton and Yale copies of the first issue contain an intermediate state of the signature, not agreeing exactly with either of the two copies collated. In the various copies there are no changes in the text affecting the sense; only the forms of words and the paragraphing are changed. The Union Theological Seminary's copy seems to give the more correct state of the text, but since the differences are of no literary significance it was thought best to reproduce the setting actually in the Congressional Library's copy. There is, however, one omission in that copy which should be supplied. On Sig. S4 *verso* (p. 144) the marginal note numbered '8' has, except for the number, dropped out. In the Union Theological Seminary's copy this note reads: 'So is the / Rule, That / good Angels / alwaies move / to good ordi- / narily.'

Through the survival of one of Donne's own manuscripts of the *Biathanatos* we can check the trustworthi-

ness of the text of the first edition. He sent a transcript (now in the Bodleian; press mark, Ms. è Musæo 131), with marginal notes in his own hand, to Lord Herbert of Cherbury. A fresh collation of this manuscript with the Bodleian copy of the first issue of the first edition shows that the printed text is a faithful reproduction. There are minor differences in phrasing, such as might have come from the use of a different manuscript by the printer, but no material is omitted or added, and the only important corrections which the manuscript makes are several already noted by Mrs. Simpson in her *Study of the Prose Works of Donne*, p. 148.

Biathanatos has been once reprinted, by an anonymous publisher in 1700. A collation of a copy of this edition, in the possession of Professor George L. Hamilton, shows that it was set from the first edition without textual changes, even following closely some of the first edition's typographical peculiarities. The copy used by the printer in 1700 had the same setting of Sig. S as the Union Theological Seminary's copy. This second edition makes a few minor corrections such as an intelligent printer might make, and a few minor errors such as a careless proof reader might pass. Spelling is frequently modernized, and the numbered notes are printed at the foot of the page.

J.W.H.

Cornell University
Ithaca, New York

Wm Popple.

BIAΘANATOΣ.

A

DECLARATION

OF THAT

PARADOXE,

OR

THESIS,

That Self-homicide *is not so naturally Sin, that it may never be otherwise.*

Wherein

The Nature, and the extent of all those Lawes, which seeme to be violated by this Act, are diligently surveyed.

Written by John Donne, *Church of* England *who afterwards received* Orders *and dyed* Deane *of St* Pauls *from the* London.

Jo: Saresb. de nugis Curial. Prolog.
Non omnia vera esse profiteor. Sed legentium usibus inservire.

Published by Authority.

LONDON,
Printed for *Humphrey Moseley*, and are to be sold at his shop at the Princes Armes in St *Pauls* Churchyard. 1648.

ΒΙΑΘΑΝΑΤΟΣ.

A

DECLARATION

OF THAT

PARADOXE,

OR

THESIS, that

Selfe-homicide is not so Naturally Sinne, that it may never be otherwise.

WHEREIN

The Nature, and the extent of all those Lawes, which seeme to be violated by this Act, are diligently surveyed.

Written by IOHN DONNE, *who afterwards received Orders from the Church of* England, *and dyed Deane of Saint* Pauls, London.

Jo: Saresb. de nugis Curial. Prolog.

Non omnia vera esse profiteor. Sed legentium usibus inservire.

Published by Authoritie.

LONDON,
Printed by *John Dawson*,

TO THE
Right Honourable
THE LORD
PHILLIP HARBERT.

My Lord,



Although I have not exactly obeyed your commands, yet, I hope, I have exceeded them, by presenting to your Honor, the *Treatise*,

tiſe, which is, ſo much the better, by being none of mine owne, and may therefore peradventure, deſerve to live, for facilitating the Iſſues of Death.

It was writ, long ſince, by my Father, and by him, forbid both the Preſſe, and the Fire; neither had I ſubjected it now, to the publique view, but that, I could finde no certaine way to defend it from the one, but by committing it to the other; For, ſince the beginning of this War, my Study having been often ſearched, all my Books (and almoſt my braines, by their continuall allarums ſequeſtred, for the uſe of the Committee; two dangers appeared

appeared more eminently to hover over this, being then a Manuſcript; a danger of being utterly loſt, and a danger of being utterly found; and fathered, by ſome of thoſe wild Atheiſts, who, as if they came into the World by conqueſt, owne all other mens Wits, and are reſolved to be learned, in deſpite of their Starres, that would fairely have enclined them, to a more modeſt, and honeſt courſe of life.

Your Lordſhips Protection will defend this Innocent from theſe two Monſters, Men that cannot write, and Men that cannot reade, and, I am very confident, all thoſe that can, will think it

it may deſerve this favour from your Lordſhip; For, although this Booke appeare under the notion of a Paradox, yet, I deſire your Lordſhip, to looke upon this Doctrine, as a firme and eſtabliſhed truth.

Da vida oſar morir.

Your Lordſhips
moſt humble Servant

From my houſe in Covent-Garden. 28.

Io: Donne.

Authors cited in this Booke.

Beza.
B. Dorotheus.
Boſquierus.
Athenagoras.
Cauſæus.
Triſmegiſtus.
Theodoricus A. Niem.
Steuchius Engubi.
Ennodius.
Pererius
Zambertus
Alcoran
Corpus Iur: Canon.
Carbo, Summa Summarum
Polidorus Virgilius
Natalius Metellus, Præfat. in Oſor. Hiſtor.
Pierius
S. Ambroſius
Cardanus
Tholoſa: Syntagm.
S. Cyprianus
Hadri: Junius
Emanu: l Sâ
Nicephorus
S. Gregorius
Vaſques
Clarus Bonarſius
Corpus Iur: Civil.
Binnius
Bracton
Plowden
A: Gellius
Tertullian
Climachus
Baſil
Fileſacus
Campianus
S. Hieronimus
Ben: Gorion
Plinius
Paleotus de Noth.
Canones Pœnitenti:
Clemens Alex:
Sotus
Bodin

Sylvius
Miádendorpius
Lucidus
Arpilcueta
Fabricius Hist: Cicero.
Windeckus
Lipsius
Porphyrius
Damasus
Feuardentius
Eusebius
Vincentii Speculum
Prateolus
Diodorus Siculus
Tho: Morus
Anto: Augustin.
P. Manutius
Sebast: Medices
Scotus
Calvinus
Forestus de Venen.
Serarius
Biblia Sacra
Humfredus Angl.
Mallonius in Paleotti Sindon.
S. Chrysostomus
Pontius Paulinus
Aquinas
Azorius
Sayr

Elianus
Cajetanus
S. Augustinus
Artemidorus
I. Cæsar
Josephus
Vegetius
Acacius
Jo: Picus
Henrnius
Latinus Pacatus
Platina
Baronius
Ignatius
Alfon: Castro
Schultingius
Plato
Simancha
Alb. Gentilis
Pruckmannus
P. Pomponatius
Buxdorfius
Anto: de Corduba
Thyræus
Lavater
Nauclerus
Quintilianus
Toletus
Sulpitius
Adrianus Quodlib.
Beccaria

Vita

Vita Phil: Nerii
Maldonatus
Bonaventura
Gregor: Nazianz.
Canones Apostolorum
Lucas de Penna
Optinellus
Laertius
Binsfeldius
Pedraça
Sextus Senensis
Paracelsus
Metaphrastes.
Surius
Gregor: de Valentia
Brentius
Theophilact
Hesichius
Marloratus
Schlusselburgius
Agapetus
Reuchlin
Martialis ad Tholo:
Saravia
Sylvester
Liber Coformitatum S. Franc. et Christi.
Cassianus
Procop. Gazæus
Ardonus
Greg. Turon
Supplem. Chronic.
Nazarius Paneg.
Menghi
Ioan de Lapide
Hippocrates
Bellarminus
Revelation. Brigidæ
Regul. Iesuit.
Franc. Gregorius
Oecumenius
Origenes
Alcuinus
Corn Celsus
Idiotæ Contemplatio de morte
Baldus
Aristoteles
Stanford
Bartolus
P. Martyr
Declaration des Docteurs en France
Sedulius Minorita
Io Gerson
Lylius Geraldus
Mariana
Sansovinus
Lambert
Fra. a Victoria
Wierus

Kepplerus	*Schultetus*
Lyra	*Euthymius*
Burgenſis	*Paterculus*
P. Lombard	*Caſsanæus*
Sophronius	

IN citing theſe authors, for thoſe which I produce only for ornament and illuſtration, I have truſted my owne old notes; which though I have no reaſon to ſuſpect, yet I confeſs here my lazines; and that I did not refreſh them with going to the Originall. Of thoſe few which I have not ſeene in the bookes themſelves, (for there are ſome ſuch, even of places cited for greateſt ſtrength,) beſides the integrity of my purpoſe, I have this ſafe defence againſt any quarreller, that what place ſoever I cite from any Catholique Author, if I have not conſidered the Book it ſelfe, I cite him from another Catholique Writer. And the like courſe I hold in the Reformers. So that I ſhall hardly be condemned of any falſe citation, except to make me Acceſſorie, they pronounce one of their owne friends principall.

A distribution of this Book, into Parts, Distinctions, and Sections.

Preface.

1 THe *Reason of this Discourse.*
2 *Incitements to charity towards those which doe it.*
3 *Incitements to Charity towards the Author.*
4 *Why it is not inconvenient now to handle this.*
5 *Dessentious among scholars more, and harder to end then among others.*
6 *In such perplexities we ought to incline to that side which favours the dead.*
7 *Why ? make it so publique.*
8 *What reader ? desire to have.*
9 *The reasons why there are so many citations.*
10 *God punisheth that sin most, which occasions most sin in others.*

The first part, first Distinction, first Section.

1 *Why we first prove, that this sin is not irremissible.*

Sect. 2.

1 *Three sorts of mistakers of this sin.*

Sect. 3

1 *That all desperation is not haynous; and that* Self-homicide *doth not alwaies proceed from desperation.*
2 *? may be without ? Infidelity.*

3 *When it is* pœna peccati *it is* involuntarium.
4 *The reaſon why men ordinarily aggravate deſperation*
5 *Of the ſecond opinion, which is of impenitiblenes.*
6 *Of* Calvins *opinion, that it may be.*
7 *None impeccable, nor impenitible.*

Sect. 4.

1 *Of the third ſort, which preſume actuall impenitence by reaſon of this Act.*
2 *Which is the ſafer ſide in doubtfull caſes.*
3 *In* Articulo Mortis, *the* Church *ever interprets favourably.*
4 *What true repentance is by* Clement.
5 *Witneſſes which acquit, more credited, then they which accuſe, in the Cannon Law.*

Sect. 5.

1 *Why we wayve the Ordinary definition of Sin taken from Saint* Auguſtine, *and follow another taken from* Aquinas.
2 *Of the torturing practice of Caſuiſts.*
3 *Of the eternall Law of God, in Saint* Auguſtines *Definition, againſt which a man may doe without ſinne.*
4 *Of the Definition which we follow.*

Sect. 6.

1 *How Law of Nature, and of reaſon, and of God, exhibited in this definition, are all one; and how diverſly accepted.*
2 *In ſome caſes all theſe three Lawes may be broken at once.* *As*
3 *In revealing a ſecret.*
4 *In Parricide.*

Sect. 7

1 *Of the Law of Nature, and that againſt it ſtrictly taken, either no ſinne, or all ſinne is done.*
2 *To doe againſt Nature makes us not guilty of a greater ſinne, but more inexcuſable.*
3 *No action ſo evill, that it is never good.*

4 *No evill in act, but disobedience.*

5 *Lying naturally worse then* Selfe-homicide.

6 *Fame may be neglected: yet we are as much bound to preserve fame, as life.*

7 *God cannot command a sinne, yet he can command a murther.*

8 *Orginall sin, cause of all sin, is from nature.*

Sect. 8.

1 *That if our Adversaries by Law of nature mean only sensitive Nature, they say nothing, for so most vertuous actions are against nature.*

Sect. 9.

1 *As the Law of nature is* recta ratio, *that is,* Jus gentium. *So immolation, and Idolatry are not against law of Nature.*

Sect. 10.

1 *As reason is the form, and so the nature of a man, every sinne is against nature: yea, whatsoever agrees not exactly with Christian Religion.*

2 *Vertue produced to Act, differs so from Reason, as a medicine made and applyed, from a boxe of drugs.*

Dist. 2. Sect. 1.

1 *Sinnes against Nature in a particular sense, are by schoolmen said to be unnatural Lusts, and This. But in Scripture only the first is so called.*

2 *Of the example of the Levite in the Judges, where the Vulgate Edition, calls it sin against Nature.*

3 S. Pauls *use of that phrase Law of Nature, in long haire.*

4 Vegetius *use of that phrase.*

Sect. 2.

1 *Self preservation is not so of particular Law of Nature, but that Beasts naturally transgresse it, whom it binds more then us. And we, when the reason of it ceases in us, may transgresse it, and sometimes must.*

2 *Things naturall to the* Species, *are not alwaies so to the* Individuall.

3 *There-*

3 *Thereupon ſome may retire into Solitude.*
4 *The firſt principles in Naturall law, are obligatory, but not deductions from thence, and the lower we deſcend the weaker they are.*
5 *Pellicans. And by* S. Ambroſe, *Bees kill themſelves.*
6 *The Reaſon of almoſt every law is mutable.*
7 *He that can declare where the reaſon ceaſes, may diſpence with the Law.*
8 *In what manner diſpenſations worke.*
9 *As nothing can annull the prerogatives of Princes or of Popes, though their own act ſeem to provide againſt it, ſo no law ſo much deſtroyes mans liberty, but that he returns to it, when the reaſon of that law ceaſes.*
10 *Self-preſervation, which is but an appetition of that which is good in our opinion, is not violated by* Self-homicide.
11 *Liberty, which is naturally to be preſerved, may be departed withall, when our will is to doe ſo.*

Sect. 3.

5 *That cannot bee againſt law of nature, which men have ever affected, if it be alſo (as this is) againſt ſenſitive nature, and ſo want the allurements which other ſins have.*
2. *There are not ſo many examples of all other vertues, as are of this one degree of fortitude.*
3 *Of* Romane *Gladiators. Of their great numbers, great perſons, and women.*
4 *With how ſmall perſuaſions* Eleazar *in* Ioſephus *drew men to it.*
5 *Wives in the* Indies *doe it yet.*
6 *The* Samanæi *Prieſts in the* Indies, *notorious for good life and death did it.*
7 Latinus Pacatus *expreſſeth this deſire pathetically.*
8 *By what means the Spaniards corrected this natural deſire in the* Indies. Diſt. 3. Sect. 1.
1 *After civility and chriſtianity quenched this naturall deſire, in the place thereof ſucceeded a thirſt of Martyrdome.*

How

The Contents.

2 *How leasurely the custome of killing at funerals wore out.*
3 *Philosophers saw, and* Moses *delivered the state of the next life, but unperfectly,*

Sect. 2.

1 *That Martyrdome was by the Fathers insinuated into men for the most part by naturall Reasons, and much upon humane respects.*
2 *So proceeded* Clement.
3 *So did* Tertullian.
4 *So did* Cyprian.
5 *Externall honours to Martyrs.*
6 *Monopoly of Martyrdome*
7 *Gods punishments upon their persecutors encouraged men to it.*
8 *Priviledges of Martyrs extended to many.*
9 *Contrary Reasons cherisht this desire in them.*
10 Libellatici, *or compounders with the state, in* Cyprian.
11 *Flight in persecution condemned by* Tertullian.
12 *Death grew to be held necessary to make one a Martyr.*
13 *In times when they exceeded in indiscreet exposings of themselvs, they taught that Martyrs might be without death.*
14 *Professors in* Cyprian, *men who offred themselves before they were called.*
15 *Enforcers of their own Martyrdome.*
16 *Examples of inordinate affecting of Martyrdome.*
17 *Lawes forbidding more executions, made to despite Christians.*
18 *Glory in their number of Martyrs.*

Sect. 3.

1 *That Heretickes noting the dignity gaind by Martyrdome, laboured to avert them from it, but could not correct this naturall inclination.*
2 *They laboured the Magistrate to oppose this desire.*
3 Basilides *denyed Christ to have been crucified; and*

that therefore they dyed madly.

4 Helchesar, *that outward profession of Religion was not needfull; much lesse Martyrdome.*

5 *Which also the* Gnostici *taught: and why they prevailed not.*

Sect. 4.

1 *That Heretiques missing their purpose herein, tooke the naturall way of overtaking the Orthodox in numbers of Martyrs.*

2 Petilians *new way of Martyrdome.*

3 *Another new way of the* Circumcelliones, *or* Circuitores.

4 *The* Cataphrygæ *exceed in number.*

5 *The* Euphemitæ *for their numbers of Martyrs called* Martyrians.

Sect. 5.

1 *Hereupon Councels tooke it into their care to distinguish Martyrs, from those who dyed for naturall and humane respects.*

Sect. 6.

1 *Therefore later Authors doe somewhat remit the dignity of Martyrdome.*

2 *The Jesuits still professe an enormous love to such death.*

Distinction 4. Sect. 1.

1 *Lawes and Customes of well polished Estates having admitted it, it were rash to say it to be against Law of Nature.*

2 *True and Ideated Common-wealthes have allowed it.*

3. 4. Athenians, Romans.

5 *Of* Depontani.

6 Ethiopians.

7 *All Lawes presume this desire in men condemned.*

8 *In* Utopia *authorized.*

9 *And by* Plato *in certaine cases.*

10 *Conclusion of the first Part.*

The

The Contents.

The Second Part of the Law of Reason.

Distinct. 1. Sect. 1.

1 *That the Law of Reason is, Conclusions drawn from primary Reason or light of Nature, by discourse.*

2 *How much strength such deduced reasons have.*

Sect. 2.

1 *Of this kind of reasons, generall Lawes have greatest authoritie.*

2 *For it is of their essence that they agree with the Law of Nature.*

3 *And there is better testimony of their producing, then of particular mens opinions.*

Sect. 3.

1 *Of Lawes, the Emperiall Law ought first to be considered.*

2 *The reason of that Law is not abolished; but the confession of our dependencie upon it.*

3 *Why it is called Civill Law.*

4 *Of the vastnes of the books from whence it is concocted, and of the large extent thereof.*

5 *That yet in this so large Law there is nothing against our case.*

6 *Of the Law of* Adrian *concerning this in Souldiers.*

7 *Of the other Law concerning this in offendors already accused.*

Dist. 2. Sect. 1.

1 *Of the Cannon Law.*

2 *The largenes of the subject, and object thereof.*

3 *Of* Codex Canonum, *or the body of the Canon Law, in use in the primitive Church.*

Of the Additions to this Code since.

4 *Canon Law apter to condemn then the Civil, and why.*

Sect. 2.

1 *That this proposition is not hereticall by the Canon Law.*

2 Simancha

2 Simancha *his large Definition of Heresy.*
3 *No decision of the church in the point.*
4 *Nor Canon nor Bull.*
5 *Of the common opinion of Fathers, and that that varies by times, and by places by* Azorius.
7 Gratian *cites but two Fathers, whereof one is on our side.*
8 *That that part of Canon Law, to which Canonists will stand, condemns not this.*
9 *A Catholique Bps. censure of* Gratian, *and his decret.*

Sect. 3.

1 *What any Councells have done in this point.*
2 *Of the Councell of* Antisidore *under* Greg. 1. 590.
3 *That it only refusd their oblations.*
4 *That it was only a Dioceſan Councell.*
5 *The Councell of* Braccar. *inflicts two punishments.*
6 *The first, of not praying for them is meant of them who did it, when they were excommunicate.*
7 *The second, which is denying of buriall, is not always inflicted as a punishment, to an offendor; as appeares in a punishment to an offendor; as appears in a locall interdict.*
8 Romans *buried such offendors as had satisfied the law within the Towne, as they did Vestalls and Emperours.*

Dist. 3 Sect. 1

1 *Of the Laws of particular Nations.*
2 *Of our Law of* Felo de se.
3 *That this is by our Law Murder, and what reasons entitle the King to his good.*
4 *That our naturall desire to such dying, probably induced this customary Law.*
5 *As in States abounding with slaves, Law-makers quenched this desire, left there should have beene no use of them.*
6 *Forbid left it should draw too many: as hunting, and usury: and as wine by* Mahomet.
7 *Upon reason of generall inclinations we have severe Laws against theft.*
8 *When*

8 *When a man is bound to steale.*
9 Sotus *his opinion of Day-theeues.*
10 *Of a like law against* Self-homicide *in the Earldome of Flaunders.* Sect. 2.
1 *Severe Laws are arguments of a generall inclination, not of a hainousnes in the fact.*
2 *Fasting upon Sundays extremely condemned upon that reason.*
3 *So Duells in* France.
4 *So Bull-baitings in* Spaine.
5 *The hainousnes of Rape, or Witch-craft are not diminished, where the Laws against them were but easie.*
6 *Publike benefit is the rule of extending odious Laws, and restraining favourable.*
7 *If other nations concurre in like Laws, it sheweth the inclination to be generall.*
Sect. 3.
1 *The Custome of the Iews not burying till Sunn-set, and of the Athenians cutting off the dead hand evict not.*
Sect 4.
1 *The reasons drawne from remedies, used upon some occasions to prevent it, prove as little.*
Dist. 4. Sect. 1.
1 *Of the reasons used by particular men, being divines.*
2 *Of* S. Aug. *and of his argument against* Donatus.
3 *Of* S. Augustine *comparatively with other Fathers.*
4 *Comparison of* Navar. *and* Sotus.
5 *Iesuits often beholding to* Calvin *for his expositions.*
6 *In this place we differ not from S.* Augustine.
7 *Nor in the second cited by* Gratian.
8 *That there may be* Causa puniendi sine culpa.
9 *As* Valens *the Emperor did misse* Theodosius, *So S.* Augustine *pretermitted the right case.*
10 *Of* Cordubensis *rule, how we must behave our selves in perplexities.*
11 *How temporall reward may be taken for spirituall offices.*

12 *Of* Pindarus *death praying for he knew not what.*
13 *In one place we depart from S.* Augustine *upon the same reason, as the Jesuite* Thyræus *doth depart from him in another.*

Sect. 2.

1 *The place cited by* Gratian *out of S.* Hierome, *is on our side.*

Sect. 3.

1 Lavaters *confession, that* Augustine, Hierome, Chrysostome, Lactantius, *are of this opinion.*

Sect. 4.

1 *Of* Peter Martyrs *reason,* Mors malum.
2 Clement *hath long since destroyed that reason.*
3 *Of* Malum pœnæ, *how farre it may bee wished, and how farre it condemnes.*
4 *Possessed men are not alwaies so afflict for sinne.*
5 *Damnation hath not so much* rationem mali, *as the least sinne.*
6 *If Death were of the worst sort of evill, yet there might be good use of it, as of Concupiscence.*
7 *In what sense S.* Paul *calles Death Gods enemy.*
8 *Death, since* Christ, *is not so evill as before.*

Sect. 5.

1 *Of* Peter Martyrs *reason,* Vita donum Dei.

Sect. 6.

1 *Of* Lavaters *reason of Iudges in all causes.*
2 *Where Confession is not in use, there is no Iudge of secret sinne.*
3 *Of the Popes Iurisdiction over himselfe.*
4 *Of such Iurisdiction in other persons by Civil lawes.*
5 *Io: 22. elected himselfe Pope.*
6 *Iurisdiction over our selves is therefore denyed us;*
7 *because we are presumed favourable to our selves, not in cases esteemed hurtfull.*
8 *In cases hurtfull we have such Iurisdiction.*
9 *Oath of* Gregory *in the great Schisme.*

10 *When a man becomes to be* sui Juris.

11 *Warre is just betweene Soveraigne Kings, because they have no Judge.*

12 *Princes give not themselves priviledges; but declare that in that case they will exercise their inherent generall Priviledge.*

Sect. 7.

1 Josephus *reason of* Depositum.

2 *A Depositarie cannot be accused* De Culpa, *but* De Dolo.

3 *A secret received* Data fide *is* In natura Depositi.

Sect. 8.

1 *Of similitudinary reasons in Authors not Divine.*

Sect. 9.

1 *Of* Josephus *his reason of* Hostis.

Sect. 10.

1 *Of* Josephus *reason of* Servus.

Sect. 11.

1 *Of* Josephus *reason of a Pilot.*

Distinct. 5. Sect. 1.

1 *Of Saint* Thomas *two reasons from Iustice, and Charitie.*

2 *Of that part of injustice, which is stealing himselfe from the State.*

3 *Monastike retyring is,* in genere rei, *the same fault.*

4 *The better opinion is, that there is herein no injustice.*

5 *Of the other Injustice, of usurping upon anothers Servant.*

6 *Though we have not* Dominium, *we have* Usum *of this life: And we may relinquish it when we will.*

7 *The State is not Lord of our life, yet may take it away.*

8 *If injustice were herein done to the State, then by a licence from the State it may be lawfull.*

9 *And the State might recompence her Domage upon the goods or Heire of the Delinquent.*

10 *In a man necessary to the State, there may bee some Injustice herein.*

11 *No*

11 *No man can doe injurie to himselfe.*
12 *The question whether it be against Charity, respited to the third part.*

Sect. 2.

1 *Of* Aristotles *two reasons of Misery and Pusillanimitie.*

Distinct. 6. Sect. 1.

1 *Of reasons on the other side.*
2 *Of the Law of* Rome, *of asking the Senate leave to kill himselfe.*
3 *Of the case upon that Law in* Quintillian.

Sect. 2.

1 *Comparisons of desertion and destruction.*
2 *Of Omissions equall to committings.*

Sect. 3.

3 *In great faults the first step imprints a guiltines, yet many steps to* Self-homicide *are allowable.*
4 Dracoes *lawes against* homicide *were retained for the hainousnes of the fault.*
5 Tolets *five* Species *of* Homicide.
6 *Foure of those were to be found in* Adams *first* Homicide *in Paradise.*

Sect. 4.

7 *Of* Tolets *first and second* Species, *by Precept, and by Advise, or Option.*
8 *We may wish* Malum pœnæ *to our selves, as the Eremite prayed to be possessed.*
9 *That we may wish death for wearines of this life.*
10 *It is sin to wish the evill were not evill, that then we might wish it.*
11 *Of wishing the Princes Death.*
12 *In many opinions by contrary Religion, a true King becomes a Tyrant.*
13 *Why an oath of fidelity to the Pope binds no man.*
14 *Who is a Tyrant by the declaration of the learned men of* France.

15 *How Death may be wished by* Calvins *opinion.*
16 *How we may wish death to another for our own advantage.*
17 Phil. Nerius *consented that one who wished his own death might have his wish.*

Sect. 5.

1 *Of* Tolets *third* Species *of* Homicide, *by permission, which is* Mors Negativa.
2 *Of standing mute at the Barre.*
3 *Three Rules from* Scotus, Navar, *and* Maldonate, *to guide us in these desertions of our selves.*
4 *That I may suffer a Theif to kill me, rather then kill him.*
5 *Of* Se defendendo *in our Law.*
6 *That I am not bound to escape from prison if I can. Nor to eate, rather then starve,*
7 *For ends better then this life we may neglect this.*
8 *That I may give my life for another.*
9 Chrysostomes *opinion of* Sarahs *lie, and her consent to Adultery. And S.* Augustines *opinion of this, and of that wife, who prostituted her selfe to pay her husbands debts.*
10 *That to give my life for another, is not to preferre another before my selfe, as* Bonaventure *and* August. *say; But to prefer vertue before life; which is lawfull.*
11 *For spirituall good it is without question.*
12 *That I may give another that without which I cannot live.*
13 *That I may lawfully wear out my self with fasting.*
14 *That this in* S. Hier. *opinion is* selfe-homicide.
15 *Of the Fryer whom* Cassianus *calls a* Self-homicide, *for refusing bread from a theife, upon an indiscreet Vow.*
16 *Of Christs fast.*
17 *Of Philosophers inordinate fasts.*
18 *Of the Devils threatning S* Francis, *for fasting.*
19 *Examples of long fasts.*
20 *Reasons, effects, and obligations to rigorous fastings.*

Corollary of this Section of Desertion.

Sect. 6.

1 *Of another* Species *of* homicide, *which is not in* Tolets *division by Mutilation.*

2 *Of Delivering ones selfe into bondage.*

3 *By divers Cannons* homicide *and mutilation is the same fault.*

4 *Of* Calvins *argument against Divorce, upon this ground of Mutilation.*

5 *The example of* S. Mark, *cutting off his thumbe to escape Priesthood*

6 *In what cases it is clear, that a man may maim himself.*

Sect. 7.

1 *Of* Tolets *fourth* Species *of* Homicide, *by actual helping.*

2 Ardoynus *reckons a flea amongst poysons, because it would destroy*

3 David *condemned the Amalekite, who said he had helped* Saul *to kill himselfe.*

4 Mariana *the Iesuite is of opinion, that a King which may be removed by poyson, may not be put to take it by his owne hands though ignorantly, for he doth then kill himself.*

5 *That a malefactor unaccu'ed may accuse himself.*

6 *Of* Sansovins *relation of our custome at executions, and withdrawing the pillow in desperate cases.*

7 *Of breaking the leggs of man at executions, and of breaking the halter.*

8 *Of the forme of purgations used by* Moses *Law in cases of Iealousy.*

9 *Of formes of Purgation called* Vulgares.

10 Charlemaine *brought in a new forme of purgation.*

11 *And* Britius *a Bishop, being acquitted before, extorted another purgation upon himselfe.*

12 *Both kindes of* Ordalium, *by water, and fire, in use here, till King* Johns *time.*

13 *In all these purgations, and in that by Battaile, the party himself assisted.*

14 *Exam-*

14 *Exumples of actuall helpers to their owne deſtruction in S.* Dorothæus *doctrine.*

15 *Of* Ioſeph *of* Arimathæa *his drinking of poyſon.*

16 *Of S.* Andrew *and S.* Lawrence.

17 *Caſuiſts not cleere whether a condemned man may doe the laſt act to his death.*

18 *But in caſes without condemnation, it is* ſub præcepto *to Prieſts, Curats, to goe to infected houſes.*

Sect. 8.

1 *Of* Tolets *laſt ſpecies of* Homi-cide *which is the act it ſelfe.*

2 *How farre an erring conſcience may juſtify this act.*

3 *Of* Pythagoras *philoſophicall conſcience, to dy, rather then hurt a Beane, or ſuffer his ſchollers to ſpeak.*

4 *Of the apparition to* Hero *a moſt devout Eremite, by which he killed himſelf, out of* Caſſianus.

5 *That the Devill ſometime ſollicites to good.*

6 *That by* Uaſques *his opinion, it is not Idolatry to worſhip God in the devil.*

7 *Rules given to diſtinguiſh evil ſpirits from God are all fallible.*

8 *Good Angels ſometimes move to that which is evill, being ordinarily and morally accepted.*

9 *As in miſ-adoration by* Vaſques, *invincible ignorance excuſes, ſo it may in our caſes.*

10 *Of S.* Auguſtines *firſt reaſon againſt* Donatus, *that we may ſave a mans life againſt his will.*

11 *Of his ſecond reaſons, which is want of examples of the faithfull. And of S.* Auguſtines *aſſured eſcape, if* Donatiſts *had produced Examples.*

12 *Divorce in* Rome *on either part, And in* Jury, *on the womans part long without example.*

13 *Saint* Auguſtines *Schollers in this point of examples, as ſtubborne as* Ariſtotles, *for the inalterableneſſe of the Heavens, though the reaſon of both be ceaſed.*

14 *Of the Martyr* Apollonia *who killed her ſelfe.*

15 *Of*

15 *Of answers in her excuse.*
16 *Of the Martyr* Pelagia *who killed her selfe.*
17 *Though her History bee very uncertaine, yet the Church seems glad of any occasion to celebrate such a fact.*
18 *Saint* Augustines *testimony of her.*
19 *Saint* Ambroses *Meditation upon her.*
20 Eusebius *his Oration incitatory, imagined in the person of the Mother.*
21 *Saint* Augustines *first of any doubting of their fact, sought such shifts to defend it, as it needed not.*
22 *S.* Augustines *example hath drawne* Pedraca *a Spanish Casuist, and many others, to that shift of speciall Divine inspiration, in such cases.*
23 *And so sayes* Peter Martyr *of the Midwives, and of* Rahabs *lye.*
24 *To preserve the Seale of Confession, a man may in some case be bound to doe the intire act of killing himselfe.*

The Third Part, which is of the Law of God.

Distinct. 1 Sect. 1.
1 *An introduction to the handling of these places of Scripture.*
2 *Why I forbeare to name them who cite these places of Scripture.*
3 *If any oppose an answer, why I intreat him to avoide bitternes.*
4 *Why Clergy men, which by Canons may fish, and hunt, yet may not hunt with dogs.*
5 *Of* Bezas *answer to* Ochius *Polygamy.*

Distinction 2. Sect. 1.
1 *No place against this* Selt-homicide, *is produced out of the Iudiciall or Ceremoniall Law.*
Sect. 2 1 *Of the place* Gen. 9,5. I will require your blood.
2 *We are not bound to accept the interpretation of the Rabbins.*
3 *Of*

3 *Of* Lyra, *and of* Emmanuel Sâ, *both abounding in Hebraisms, yet making no such note upon this place,*

Sect. 3, 1 *Of the place* Deut. 33. 39. *I kill, and I give life.*

2 *Iurisdiction of Parents, Husbands, Masters. Magistrates, must consist with this place.*

3 *This place must be interpreted as the other places of Scripture, which have the same words. And from them, being three, no such sence can be extorted.*

Sect. 4. 1 *Of the place* Iob 7. 1. vita militia.

2 *Why they cite this place according to the vulgate copy.*

3 *Of Soldiers privisledges of absence by Law.*

4 Iobs *scope is, That as warre works to peace, so heere we labour to death.*

5 *Of Christs letter to King* Abgarus.

Sect. 5. 1 *Of another place in* Iob 7. 15. *Anima elegit suspendium.*

2 *Why it was not lawfull to* Iob *to kill himself.*

3 *His words seeme to shew some steps toward a purpose of* Self-homicide.

4 *Of* Sextus Senensis, *and of* Gregories *exposition thereof*

5 *How I differ from the Anabaptists, who say that* Iob *despaired.*

6 *S.* Hierome, *and the Trent Councell incurre this errour of condemning all which a condemned man says.*

7 *Very holy and learned men impute a more dangerous despaire to Christ, then I doe to* Iob.

Sect. 6. 1 *Of the place* Io. 2. 4. *Skin for Skin &c.*

Sect. 7 1 *Of the place* Eccles. 30. 16. *There is no riches above a sound body.*

2 *This place is not of safety, but of health.*

Sect. 8. 1 *Of the place* Exod. 20. *Thou shalt not kill.*

2 S. Augustine *thinks this Law to concerne ones self more directly, then another.*

3 *This Law hath many exceptions.*

4 *Laws of the first table are* strictioris vinculi, *then of the second.*

5 *A caſe wherein it is probable that a man muſt kill himſelf, if the perſon be exemplar.*

6 *As Laws againſt Day-theeves may be deduced from the Law of God authorizing Princes, So may this from the commandement, of preferring Gods glory.*

7 *Whatſoever might have been done before this Law, this Law forbids not.*

Sect. 9. 1 *Of the place* Wiſd. 1. 12. *Seek not death.*

Diſtinct. 3. Sect. 1.

1 *Of the place* Mat. 4. 6. *Caſt thy ſelf downe.*

2 *That Chriſt when it conduced to his owne ends, did as much, as the devill tempted him to, in this place.*

Sect. 2. 1 *Of the place* Acts 16. 17. *Do thy ſelf no harme.*

2 S. Paul *knew Gods purpoſe of baptizing the Iaylour.*

3 *For elſe ſaith Calvin, he had fruſtrated Gods way of giving him an eſcape by the Jaylours death.*

Sect. 3. 1 *Of the place* Rom. 3. 8. *Do not evill for good.*

2 *In what ſence* Paul *forbids this.*

3 *God always inflicts* malum pœnæ *by inſtruments.*

4 *Induration it ſelfe is ſometimes medicinall.*

5 *We may inflict upon our ſelves one diſeaſe, to remove another.*

6. *In things evill, in that ſenſe as S.* Paul *takes the word here, Popes daily diſpence.*

7 *So doe the Civill Lawes.*

8 *So doe the Cannons.*

9 *So doth God occaſion leſſe ſins to avoid greater.*

10 *What any other may diſpence withall in us, in caſes of extremity, we may diſpence with in our ſelves.*

11 *Yet no diſpenſation changes the nature of the thing, and therefore that particular thing was never evill.*

12 *The Law it ſelf, which meaſures actions, is neither good nor evill.*

13 *Which* Picus *notes well, comparing it to the firmament.*

14. *What*

14 *What evill S.* Paul *forbids here, and why.*
15 *Nothing which is once evil, can ever recover of that.*
16 *These Acts were in Gods decree preserved from those ſtains of circumſtances, which make things evill: So as Miracles were written in his book of Nature, though not in our copy thereof; and ſo, as our Lady is ſaid to be preſerved from Originall ſinne.*
17 *Of that kind was* Moſes *killing of the Egyptian.*
18 *If this place of* Paul, *be underſtood of all evill.*
19 *Yet it muſt admit exceptions, as well as the Decalogue it ſelfe.*
20 *Otherwiſe that application which* Bellarmine *and others doe make of it will be intollerable.*
Sect. 4. 1. *Of divers places which call us, Temples of God.*
2 *The dead are ſtill his Temples and Images.*
3 *Heathen Temples might be demoliſhed, yet the Soyle remained Sacred.*
4 *S.* Pauls *reaſon holds in caſes where we avile our bodies, here we advance them.*
5 *How we muſt underſtand that our body is not our own.*
Sect. 5. 1. *Of the place,* Eph. 4. 15. *One body with Chriſt.*
2 *This place gives Arguments to all which ſpare not themſelves for releif of others, and therefore cannot ſerve the contrary purpoſe.*
Sect. 6. 1. *Of the place* Eph. 5. *No man hates his own fleſh.*
2 *How* Marlorate *expounds this Hate.*
Diſtinct. 4. Sect. 1.
1 *Of the places of Scripture on the other part.*
2 *We may, but our Adverſaries may not make uſe of Examples. To which the anſwer of* Martyr *and* Lavater *is weake*
3 *The Nature, Degrees, and Effects of Charity.*
4 *S.* Auguſtines *deſcription of Her. Of her higheſt perfection beyond that which* Lombard *obſerved out of* Aug.
5 *He who loves God with all his heart, may love him more.*
6 *Any*

6 *Any ſuffering in Charity, hath infallibly the grace of God; by* Aquin.

Sect. 2. 1. *Of the place* 1 Cor. 13 4. *Though I give my Body.*

2 *By this, it was in common reputation, a high degree of perfection to die ſo, and Charity made it acceptable.*

3 *S.* Paul *ſpeaks of a thing which might lawfully be done, for ſuch are all his gradations in this Argument.*

4 *Tongues of Angels, in what ſenſe in this place.*

5 *Speech in the Aſſe, underſtandings of propheſies in* Iudas, *or miraculous faith, make not the poſſeſſour the better.*

6 *How I differ from the Donatiſts, arguing from this place, that in charity there* Self-Homicides *were alwayes lawfull.*

7 *To give my body, is more then to let it be taken.*

8 *How* Nicephorus *the Martyr gave his Body in* Sapritius *his roome who recanted.*

9 *There may be ſome caſe that a man who is bound to give his body, cannot doe it otherwiſe then by* ſelf-homicide.

Sect. 3. 1. *Of the place* Joh. 10. 11. *&* Joh. 15. 13. *The good Shepheard.*

2 *That a man is not bound to purge himſelf, if anothers crime be imputed to him.*

Sect. 4. 1 *Of the place* Ioh. 13. 37. *I will lay down my life.*

2 Peters *readines was naturall;* Pauls *deliberate.*

Sect. 5. 1. *Of the place* Ioh. 10. 15. *Of Chriſts example.*

2 *Why Chriſt ſpoke this in the preſent time.*

3 *Of the abundant charity of Chriſt.*

4 *Of his ſpeech going to* Emmaus.

5 *Of his Apparition to S.* Charles.

6 *Of the Revelation to S.* Brigid.

7 *Of his mothers charity.*

8 *That none could take away Chriſts ſoule.*

9 *His owne will the onely cauſe of his dying ſo ſoon by S.* Auguſtine.

10 *And by* Aquinas, *becauſe he had ſtill all his ſtrength.*

11 *And*

11 *And by* Marlorate *because he bowed his head, and it fell not, as ours do in death.*

12 *In what sense it is true that the Iewes put him to Death.*

13 *Of* Aquinas *opinion, and of* Silvesters *opinion of* Aquinas.

14 *Christ was so the cause of his death, as he is of his wetting, which might, and doth not shut the window when it rains.*

15 *Who imitated Christ in this actuall emission of the soul.*

16 *Upon what Reasons this manner of dying in Christ is called Heroique, and by like Epithets.*

17 *Christ is said to have done herein, as* Saul, *and* Appollonia, *and such.*

Sect. 6. 1 *Of the places* Ioh. 12. 25. Luc. 14. 26. *Of Hating this life.*

2. *Iesuits apply particularly this Hate.*

3. *If the place in the* Ephes. *No man hateth his flesh, be against* self-homicide, *this place must by the same reason be for it.*

4 *S.* Augustine *denying that this place justifies the Donatists, excludes not all cases.*

Sect. 7. *Of the place* 1 Ioh. 3. 16. *We ought to lay down our lives,* &c.

2 *All these places direct us to doe it so, as Christ did it, unconstrained.*

Sect. 8. 1. *Of the place* Phil. 1. 23. Cupio dissolvi.

2. *Of S.* Pauls *gradations to this wish, and of his correcting of it.*

Sect. 9. 1 *Of the place* Gal. 4. 15. *You would have plucked out your own eyes.*

2 *This was more then* vitam profundere *by* Calvin.

Sect. 10. 1 *Of the place,* Rom. 9. 3. *Anathema.*

2 *That he wished herein* Damnation.

3 *That he considered not his Election at that time.*

Sect. 1 1. *Of the place*, Exod. 32. 32. Dele me de libro.
2 *That this imprecation was not onely to be blotted out of the Hiſtory of the Scripture as ſome ſay.*
3 *It was ſtranger that Chriſt ſhould admit that which might ſeeme a ſlip downward, when he wiſht an eſcape from death, then that* Moſes *ſhould have ſuch an exaltation upward, as to ſave his Nation by periſhing, yet both without inordinateneſſe.*
4 *How by* Paulinus, *a juſt man may ſafely ſay to God,* Dele me.

Diſtinct. 5. Sect. 1.
1 *Of Examples in Scripture.*
2 *The phraſe of Scripture never imputes this Act to any as a ſinne, when it relates the Hiſtory.*
3 Irenæus *forbids man to accuſe where God doth not.*
4 Beza *his anſwer to* Ochius *reaſon, that ſome Patriarchs lived in Polygamy, reaches not home to our caſe.*
5 *For it is not evident by any other place of Scripture, that this is ſinne, and here many examples concur.*
Sect. 2. 1 *Examples of Acts which were not fully* ſelfe-homicides, *but approaches.*
2 *Of the Prophet who puniſhed him that would not ſtrike him.*
3 *That when God doth eſpecially invite men to ſuch violence, he ſays ſo plainly. And therefore ſuch particular invitations may not be preſumed where they are not expreſſed.*
Sect. 3. 1 *Of* Jonas.
2 *Why S.* Hieroime *calls only* Jonas *of all the Prophets holy.*
Sect. 4. 1 *Of* Samſon.
2 *The Church celebrates him as a Martyr.*
3 Paulinus *wiſhes ſuch a death as* Samſons.
4 *They which deny that he meant to kill himſelf, are confuted by the text.*
5 *They which ſay, he intended not his owne death principally, ſay the ſame as we doe.*
6 *That*

6 *That S.* Auguſtines *anſwer to this fact, that it was by ſpeciall inſtinct, hath no ground in the hiſtory.*

7 *Of* Sayr *his reaſon, in confirmation of* Auguſtine, *That* Samſon *prayed.*

8 *Of* Pedraca *his reaſon, that it was therefore the work of God, becauſe God effected it ſo, as it was deſired.*

9 *That he had as much reaſon, and as much authority to kill himſelfe, as to kill the Philiſtims. And that was only the glory of God.*

10 *That in this manner of dying, hee was a type of Chriſt.*

Sect. 5. 1 *Of* Saul.

2 *Whether the Amalekite did helpe to kill* Saul. *Whether* Saul *be ſaved or no.*

3 *In what caſes the Iewes, and* Lyra *confeſſe, that a man may kill himſelfe.*

4 Lyra's *reaſons why* Saul *is to be preſumed to have dyed well.*

5 Burgenſis *reaſon to the contrary; That if* Saul *were excuſable, the Amalekite was ſo too, is of no force.*

5 *Of* Sauls *Armour-bearer.*

Sect. 6. 1 *Of* Achitophel.

2 *He ſet his houſe in order, and he was buried.*

Sect. 7. 1 *Of* Judas.

2 *He dyed not by hanging in the opinion of* Euthymius, Oecumenius, Papias *S.* Johns *diſciple, and* Theophilact.

3 *By what meanes many places of Scripture have been generally otherwiſe accepted, then the text enforceth.*

4 Judas *not accuſed of this in the ſtory, nor in the two Prophetical Pſalmes of him.*

5 Origens *opinion of his repentance.*

6 Calvin *acknowledgeth all degrees of Repentance, which the Romane Church requires to Salvation to have been in* Judas.

7 Petilians *opinion that* Judas *was a Martyr.*

8 *His Act had ſome degrees of Iuſtice, by S.* Auguſt.

Sect. 8. 1 *Of* Eleazar. 2 *All*

2 *All confesse that it was an Act of vertue.*
3 *His destruction was certaine to him.*
4 *He did as much to his owne death, as* Samson.
5 *The reasons of this Act, alleadged in the Text, are Morall.*
6 *Saint* Ambrose *extols this by many concurrences.*
7. Cajetans *reason for justification thereof, is appliable to very many other cases of* Selfe-homicide.
Sect. 9. 1 *Of* Rasis.
2 *His reasons in the Text Morall.*
3 *Whether it be Pusillanimity, as* Aristotle, Augustine *and* Aquinas *urge.*
4 *Saint* Augustine *confesseth that in* Cleombrotus *it was greatnesse of minde.*
5 *How much great Examples governe.*
6 *That it was reputed Cowardlinesse in* Antisthenes, *being extremely sicke, not to kill himselfe.*
7 *Vpon what reasons* Lyra *excuses this, and like actions.*
8 Burgensis *his reason confesseth that there might have beene just causes for this act.*

Conclusion

1 *Why I refrained discourse of destiny herein.*
2 *Man made of shadow, and the Devill of fire by the* Alcoran.
3 *Our adversaries reasons contradict one another.*
4 *No precept given of loving our selves.*
5 *Encouragemens to contempt of death.*
6 *Why I abstaine from particular directions.*
7 *Laws forbid ordinary men to cure by extraordinary meanes, yet Kings of* England, Fra. *and* Spaine *doe it.*
8 *As* Hierom Origen Chrysost. *and* Cassianus *are excused for following* Plato, *in toleration of a lye, because the church had not then pronounced; so may it be in this.*

THE

THE PREFACE

Declaring the Reasons, the Purpose, the way, and the end *of the AVTHOR.*



BEZA, A man as eminent and illustrious, in the full glory and Noone of Learning, as others were in the dawning, and Morning, when any, the least sparkle was notorious, (a) confesseth of himself, that only for the anguish of a Scurffe, which over-ranne his head, he had once drown'd himselfe from the Millers bridge in *Paris*, if his Uncle by chance had not then come that way; I have often such a sickely inclination. And, whether it be, because I had my first breeding and conversation with men of a suppressed and afflicted Religion, accustomed to the despite of death, and hungry of an imagin'd Martyrdome; Or that the common Enemie find that doore worst locked against him in mee;

1. The reason of this discourse.

a *Epist. ante confessionem.*

Or that there bee a perplexitie and flexibility in the doctrine it ſelfe; Or becauſe my Conſcience ever aſſures me, that no rebellious grudging at Gods gifts, nor other ſinfull concurrence accompanies theſe thoughts in me, or that a brave ſcorn, or that a faint cowardlineſſe beget it, whenſoever any affliction aſſailes me, mee thinks I have the keyes of my priſon in mine owne hand, and no remedy preſents it ſelfe ſo ſoone to my heart, as mine own ſword. Often Meditation of this hath wonne me to a charitable interpretation of their action, who dy ſo: and provoked me a little to watch and exagitate their reaſons, which pronounce ſo peremptory judgements upon them.

Incitements to charity towards the doer.

(b) A devout and godly man, hath guided us well, and rectified our uncharitableneſſe in ſuch caſes, by this remembrance, [*Scis lapſum, &c. Thou knoweſt this mans fall, but thou knoweſt not his wraſtling; which perchance was ſuch, that almoſt his very fall is juſtified and accepted of God.*] For, to this end, ſaith one, (c) [*God hath appointed us tentations, that we might have ſome excuſes for our ſinnes, when he calles us to account*]

b *B. Dorotheus, doctrin. 6.*

c *Boſq. conc 2.*

An uncharitable miſ-interpreter unthriftily demoliſhes his own houſe, and repaires not another. He loſeth without any gaine or profit to any. And, as (d) *Tertullian* comparing and making equall, him which provokes another, and him who will be provoked by another, ſayes, [*There is no difference, but that the provoker offended firſt, And that is nothing, becauſe in evill there is no reſpect*

d *lib. de patientia.*

respect of Order or Prioritie] So wee may soone become as ill as any offendor, if we offend in a severe increparion of the fact. For, (e) *Climachus* in his *Ladder of Paradise*, places these two steps very neere one ano her, when hee sayes, [*Though in the world it were poßible for thee, to escape all d filing by actuall sinne, yet by judging and condemning those who are defiled, thou art defiled*] In this thou art defiled, as (f) *Basil* notes, [*That in comparing others sinnes, thou canst not avoid excusing thine owne*] Especially this is done, if thy zeale be too fervent in the reprehension of others: For, as in most other Accidents, so in this also, Sinne hath the nature of Poyson, that (g) [*It enters easiest, and works fastest upon cholerique constitutions.*] It is good counsell of the Pharises stiled, (h) [*Ne judices proximum donec ad ejus locum pertingas.* Feele and wraßle with such tentations as he hath done, and thy zeale will be tamer. For, [(i) *Therefore* (saith the Apostle) *it became Christ to be like us, that he might be mercifull.*]

If therefore after a Christian protestation of an innocent purpose herein, And after a submission of all which is said, not only to every Christian Church, but to every Christian man, and after an entreaty, that the Reader will follow this advise of *Tabæus*, [(k) *Qui litigant, sint ambo in conspectu tuo mali & rei*, and trust neither me, nor the adverse part, but the Reasons, there be any scandall in this enterprise of mine, it is Taken, not Given. And though I know, that the mali-

e *Scala paradis. grad.* 3.

f *In quæst. fuse dißp. ad q.* 6.

g *Forest. de venen. not. in observat.* 2.

h *Serar. Trihæres. l.* 2. *cap.* 17.

i *Heb.* 2. 17.

Ingitements to charity toward the Author.

k *Serar. Trihæres. l.* 2. *cap.* 17.

malitious prejudged man, and the lazy affectors of ignorance, will uſe the ſame calumnies and obtreſtations toward me, (for the voyce and ſound of the Snake and Gooſe is all one) yet becauſe I thought, that as in the poole of *Bethſaida*, (l) there was no health till the water was troubled, ſo the beſt way to finde the truth in this matter, was to debate and vexe it, (for (m [*We muſt as well diſpute* de veritate, *as* pro veritate,]) I abſtained not for feare of miſ-interpretation from this undertaking. Our ſtomachs are not now ſo tender, and queaſie, after ſo long feeding upon ſolid Divinity, nor we ſo umbragious and ſtartling, having been ſo long enlightned in Gods path, that wee ſhould thinke any truth ſtrange to us, or relapſe into that childiſh age, in which (n) a Councell in *France* forbad *Ariſtotles Metaphyſiques*, and puniſhed with Excommunication the excribing, reading, or having that booke.

Contemplative and bookiſh men, muſt of neceſſitie be more quarrelſome then others, becauſe they contend not about matter of fact, nor can determine their controverſies by any certaine witneſſes, nor judges. But as long as they goe towards peace, that is Truth, it is no matter which way. (o) The tutelare Angels reſiſted one another in *Perſia*, but neither reſiſted Gods revealed purpoſe. (p) *Hierome* and *Gregorie* ſeem to be of opinion, that *Salomon* is damned; *Ambroſe* and *Auguſtine*, that he is ſaved: All Fathers, all

l *Io.* 5. 2.

m *Athenag. de reſur.*

Why it is not inconvenient now to handle this point.

n *Fileſacus de authorit. Epiſ. cap.* 1. § 7.

Diſſentions among ſchollars more and harder to end then others.

o *Dan.* 10.

p *Humf. Ieſui. part.* 2. *ad rat.* 5

all zealous of Gods glory. (q) At the same time when the *Romane* Church canonized *Becket*, the Schooles of *Paris* disputed whether hee could be saved; both Catholique Judges, and of reverend authoritie. And after so many Ages of a devout and religious celebrating the memory of Saint *Hierome*, *Causæus* hath spoken so dangerously, that (r) *Campian* saies, hee pronounces him to be as deepe in hell as the Devill. But in all such intricacies, where both opinions seem equally to conduce to the honor of God, his Justice being as much advanced in the one, as his Mercie in the other, it seemes reasonable to me, that this turne the scales, if on either side there appeare charity towards the poore soule departed. (s) The Church in her Hymnes and Antiphones, doth often salute the Nayles and Crosse, with Epithets of sweetnesse, and thanks; But the Speare which pierced Christ when he was dead, it ever calles, *dirum Mucronem*.

This pietie, I protest againe, urges me in this discourse; and what infirmity soever my reasons may have, yet I have comfort in *Tresmegistus* Axiome, (t) [*Qui pius est, summè Philosophatur.*] And therefore without any disguising, or curious and libellous concealing, I present and object it to all of candor, and indifferencie, to escape that just taxation (u) [*Novum malitiæ genus est, & intemperantis, scribere quod occultes.*] For as, (x) when *Ladislaus* tooke occasion of the great schisme, to corrupt the Nobility in *Rome*, and hoped

q *ejusd. part* 1. *præfat. ad Com. Leicest.*

r *Ratio* 5.

n Such perplexities wee ought to enclin to that side that favoureth the dead.

s *Nota Mallon. in Paleot. Sin. part.* 1. *cap.* 2.

t *De pietate et philosophia.* Why I make it so publique.

u *Hier. Apol. advers. Ruffin.*

x *Theodor. a Niem. l.* 2. *ca.* 37.

ped thereby to poſſeſſe the Towne, to their ſeven Governours whom they called *Sapientes*, they added three more, whom they called *Bones*, and confided in them; So doe I wiſh, and and as much as I can, effect,) that to thoſe many learned and ſubtile men which have travelled in this point, ſome charitable and compaſſionate men might be added.

y *Teſarid. 6.* What reader I wiſh.

If therefore, of Readers, which (y) *Gorionides* obſerves to be of foure ſorts, (Spunges which attract all without diſtinguiſhing; Howre-glaſſes, which receive and powre out as faſt; Biggs, which retaine onely the dregges of the Spices, and let the Wine eſcape; And Sives, which retaine the beſt onely,) I finde ſome of the laſt ſort, I doubt not but they may bee hereby enlightened. And (z) as the eyes of *Eve*, were opened by the taſte of the Apple, though it bee ſaid before that ſhee ſaw the beauty of the tree, So the digeſting of this may, though not preſent faire objects, yet bring them to ſee the nakedneſſe and deformity of their owne reaſons, founded upon a rigorous ſuſpition, and winne them to be of that temper, which (a) *Chriſoſtome* commends, [*He which ſuſpects benignly would faine be deceived, and bee overcome, and is piouſly glad, when he findes it to be falſe, which he did uncharitably ſuſpect.*] And it may have as much vigour (as (b) one obſerves of another Author) as the Sunne in *March*, it may ſtirre and diſſolve humors, though not expell them; for that

z *Gen. 3. 6. et 7.*

a *Hom. de S. Suſanna.*

b *Struch. de Valla de Don. conſt.*

that muſt bee a worke of a ſtronger power.

Every branch which is excerpted from other authors, and engrafted here, is not written for the readers faith, but for illuſtration and compariſon. Becauſe I undertooke the declaration of ſuch a propoſition as was controverted by many, and therefore was drawne to the citation of many authorities, I was willing to goe all the way with company, and to take light from others, as well in the iourney as at the journeys end. If therefore in multiplicity of not neceſſary citations there appeare vanity, or oſtentation, or digreſſion my honeſty muſt make my excuſe and compenſation, who acknowledg as (c) *Pliny* doth [*That to chuſe rather to be taken in a theft, then to give every man due, is* obnoxii animi, et infelicis ingenii.] I did it the rather becauſe ſcholaſtique and artificiall men uſe this way of inſtructing; and I made account that I was to deale with ſuch, becauſe I preſume that naturall men are at leaſt enough inclinable of themſelves to this doctrine.

The reaſon of ſo many citations.

c *Epiſt. Tit. Veſp.*

This my way; and my end is to remove ſcandall. For certainly God often puniſheth a ſinner much more ſeverely, becauſe others have taken occaſion of ſinning by his fact. If therefore wee did correct in our ſelves this eaſines of being ſcandalized, how much eaſier and lighter might we make the puniſhment of many tranſgreſſors? for God in his judgements hath almoſt made us his aſſiſtants, and counſellers, how far he ſhall puniſh; and our interpretation of anothers ſinne doth

God puniſhes that ſinn moſt which occaſions moſt ſinne in others.

doth often give the measure to Gods Justice or Mercy.

If therefore, since (d) [*disorderly long haire which was pride and wantonnesse in* Absolon, *and squallor and horridnes in* Nebuchodonozor, *was vertue and strength in* Samson, *and sanctification in* Samuel,] these severe men will not allow to indifferent things the best construction they are capable of, nor pardon my inclination to do so, they shall pardon this opinion, that their severity proceeds from a self-guiltines, and give me leave to apply that of *Ennodius*, (e) [*That it is the nature of stiffe wickednesse, to think that of others, which themselves deserve, and it is all the comfort which the guilty have, not to find any innocent.*]

d *Paulin. Ep. 4. Severo.*

e *Epist. ad Astyrium.*

THE

THE FIRST PART OF *LAW* and *NATURE*.

Distinction I.

SECT. I.

AS (a) Lawyers use to call that impossible, which is so difficult; that by the rules of law it cannot be afforded, but by the indulgence of the Prince, and excercise of his Prerogative: So Divines are accustomed to call that sinne, which for the most part is so, and which naturally occasions and accompanies sinne. Of such condition is this SELF-HO-

1. Why wee first prove that this sinne is not irremissible.

a *Palæotus de notbis. c.* 28.

56601

HOMICIDE: which to be ſinne every body hath ſo ſucked, and digeſted, and incorporated into the body of his Faith and Religion, that now they preſcribe againſt any oppoſer; and all diſcourſe in this point is upon the degrees of this ſinne, and how farre it exceeds all other: So that none brings the metall now to the teſt, nor touch, but onely to the balance. Therefore although whatſoever is in our appetite good or bad, was firſt in our underſtanding true or falſe, and therefore if wee might proceed orderly, our firſt diſquiſition ſhould be employd upon the firſt ſource, and origen, which is, whether this opinion be true or falſe, yet finding our ſelves under the iniquity and burden of this cuſtome, and preſcription, we muſt obey the neceſſitie, and prepoſterouſly examine: Firſt, why this fact ſhould be ſo reſolutely condemned, and why there ſhould be this precipitation in our judgement, to pronounce this above all other ſins irremiſſible: and then, having removed that which was neereſt us, and delivered our ſelves from the tyranny of this prejudice: our judgment may be brought neerer to a ſtraightneſſe, and our charity awakned, and entendred to apprehend, that this act may be free not onely from thoſe enormous degrees of ſinne, but from all.

SECT. II.

1. Three ſorts of miſtakers of this ſinne.

They who pronounce this ſinne to be ſo neceſſarily

farily damnable, are of one of these three perswasions. Either they mis-affirme that this act alwaies proceeds from desperation; and so they load it with all those comminations with which from Scriptures, Fathers, Histories, that common place abounds. Or else they entertaine that dangerous opinion, that there is in this life an impenitibleneſſe, and impoſſibilitie of returning to God, and that apparent to us (for else it could not justifie our uncharitable censure;) Or else they build upon this foundation, that this act being presum'd to be sinne, and all sinne unpardonable without repentance, this is therefore unpardonable, because the very sin doth preclude all ordinary wayes of repentance.

SECT. III.

1. That all desperation is not hainous; and that this act doth not alwaies proceed from desperation.

To those of the first Sect, if I might be as vainly subtile, as they are uncharitably severe, I should answer, that all desperation is not sinnefull. For in the devill it is not sinne, nor doth hee demerit by it, because he is not commanded to hope. Nor in a man which undertook an austere and disciplinary taming of his body by fasts or corrections, were it sinfull to despaire that God would take from him *stimulum carnis*. Nor in a Priest employ'd to convert infidels, were it sinfull to despaire; that God would give him the power of miracles; If therefore to quench and extinguish this *stimulum carnis*, a man should kill himselfe;

the effect and fruit of this desperation were evill, and yet the root it selfe not necessarily so. No detestation nor dehortation against this sinne of desperation when it is a sinne) can be too earnest. But yet (a) since it may be without infidelitie, it cannot be greater then that. And though *Aquinas* there calls it sinne truly, yet he sayes hee doth so, because it occasions many sinnes. And if it bee as (b) others affirme, *Pœna peccati*, it is then *involuntarium*, which will hardly consist with the nature of sinne: Certainly, though many devout men have justly imputed to it the cause and effect of sin, yet as in the (c) penitentiall Cannons, greater Penance is inflicted upon one who kills his wife, than one who kills his mother; and the reason added, not that the fault is greater, but that otherwise more would commit it; So is the sinne of desperation so earnestly aggravated; because springing from Sloth, and Pusillanimity, our nature is more slippery and inclinable to such a descent, than to presumptions, which yet without doubt do more wound and violate the Majesty of God, then desperation doth. But howsoever, that none may justly say, that all which kill themselves, have done it out of a despaire of Gods mercy, (which is the onely sinnefull despaire) we shall in a more proper place, when we come to consider the examples exhibited in Scriptures, and other Histories; finde many who at that act have been so far from despaire, that they have esteemed it a great degree of Gods mercy,

2. It may bee without infidelitie.

a *Tho.* 2 2. *q.* 2. *ar.* 2.

3 When it is *pœna peccati* it is *involuntarium.*

b *Perer. Exod. c.* 11. *disp.* 4.

4. The reason why men ordinarily aggravate it.

c *Can.* 17.

to

to have been admitted to such a glorifying of his name, and have proceeded therein as religiously as in a sacrifice; and as (d) one sayes, elegantly, of *Job, venere in gloriosa Proverbia*, and of whom we may properly say, that which *Moses* said, when they punished upon one another their Idolatry, *Consecrastis manus vestras Domino.*

d *Bosquier Com.* 2. *Exod.* 32. 29.

When I come to consider their words who are of the second opinion, and which allow an impenitibleness in this life (of which *Calvin* is a strong Authorizer, if not an Authour; who sayes, that actuall impenitence is not the sinne intimated in *Matth.* 12. 30, & 31. But it is a willing resisting of the holy Ghost, into which whosoever falls, *Tenendum est*, saith he, we must hold that he never riseth again) because these hard and mis-interpretable words fall from them, when they are perplexed, and intricated with that heavy question of sinne, against the holy Ghost, and because I presume them to speak proportionally and analogally to their other Doctrine, I rather incline to afford them this construction, that they place this impenitibleness onely in the knowledge of God, or that I understand them not, then either beleeve them literally, or beleeve that they have clearly expressed their own meanings. For I see not why we should be lother to allow, that God hath made some impeccable, then impenitible. Neither do I perceive, that if they had their purpose, and this were granted to them, that therfore such an impenitibleness must of necessity

5. Of the second opinion, impenitibleness.
6. Of *Calvins* opinion, *Mat.* 12. 30.

7. None impeccable, nor impenitible.

be concluded to have been in this person, by reason of this act.

SECT. IIII.

1. Of the third sort, and that we ought not to presume actuall impenitence in this case.

But the third sort is the tamest of all the three, and gives greatest hope of being reduced, and rectifyed: For though they pronounce severely upon the fact, yet it is onely upon one reason, that the fact precludes all entrance to repentance. Wherein I wonder why they should refuse to apply their opinions to the milder rules of the Casuists (a) which ever in doubtfull cases, teach an inclination to the safer side. And though it be safer to thinke a thing to be sin, then not, yet that rule serves for your own information, and for a bridle to you, not for anothers condemnation. They use to interpret that rule of taking the safer side, that in things necessary (*necessitate finis*, as repentance is to salvation) wee must follow any probable opinion, though another bee more probable; and that, directly that opinion is to be followed, *Cui favet anima*: which they exemplifie thus. (b) That though all Doctors hold that baptisme of a childe not yet throughly born, in the hand or foot to be ineffectuall, yet all Doctors counsell to baptize in that case, & to beleeve of good effect. And the example of the good theife informes us, that repentance works immediately, and from that history *Calvin* collects, That such paine *in articulo mortis*, is naturally apt to

a *Apor. Mor. Instit. pa. 1. l. 2. c. 16.*

2. Which is the safer side in doubts.

b *Zambran. de pœniten. dub. 2. n. 39.*

2. *In articulo mortis*, the Church interprets ever favourably.

to beget repentance; Since the Church is so indulgent, and liberall to her children, (c) that at the point of death shee will afford her treasure of baptisme to one which hath been mad from his birth, by the same reason as to a child; (d) yea, to one fallen lately into madnesse, though it appeare he were in mortall sinne, if he have but attrition, which is but a feare of hell, & no taste of Gods glory; And such attrition shall be presum'd to be in him, if nothing appeare evidently to the contrary: (e) If she be content to extend and interpret this point of death, of every danger by sea, or travell; (f) If she will interpret any mortall sinne, in a man provoked by sodain passion, and proceeding from indeliberation, to be no worse nor of greater malignity, then the act of a childe. If being unable to succour one before (g) she will deliver him from excommunication after he is dead. (h) If she bee content that both the penitent and confessor, bee but *diligentes*, not *diligentissimi*; (i) If rather then she will be frustrate of her desire to dispense her treasure, she yeelds that mad and possessed men, shall be bound till they may receive extreame unction. (k) If lastly she absolve some whether they will or no, why should we abhorre our mothers example, and being brethren, be severer than the Parent? Not to pray for them which dye without faith is a precept so obvious to every Religion, that even (l) *Mahomet* hath inhibited it: But to presume impenitence, because you were not by, and heard it, is an usurpation.

This

c *Idem de bap. dub.* 8. *n.* 1.

d *Ibid. n.* 2.

e *Idem prælud.* 1. *n.* 7.

f *Idem de pœnitent. dub.* 3. *nu.* 2.

g *Ibidem.*

h *Dub.* 7. *nu.* 9.

i *Idem de unct. dub.* 2. *nu.* 3.

k *Sayr Thesaur casf. consci. tom.* 1. *l.* 2. *c.* 21. *nu.* 2.

l *Alcor. 2quar.* 19.

This is true repentance (saith *Clement*) [(m) To doe no more, and to speake no more, those things, whereof you repent; and not to be ever sinning, and ever asking pardon.] Of such a repentance as this our case is capable enough.

And of (n) one who died before he had repented, good *Paulinus* would charitably interpret his haste, [That he chose rather to go to God *debitor quam liber*] and so to die in his debt rather than to carry his acquittance. As therefore in matters of fact, the delinquent is so much favor'd that (o) a Lay-man shall sooner be beleeved which acquits him, then a Clerk which accuseth (though in (p) other cases there be much disproportion betweene the value of these two testimonies;) So, if any will of necessitie proceede to judgement in our case, those reasons, which are most benigne, and which, (as I sayd) *favent animæ*, ought to have the best acceptation and entertainment.

m *Stromat. l. 2* 4. What true repentance is.

n *Lib. 3. ad Amandum. ep. 1.*

5. Witnesses which acquit, more acceptable then accusers.
o *Dist. 81. ca. Clerici.*
p *12. q. 1. c. duo sunt.*

SECT. V.

Of all those definitions of sinne, which the first Rhapsoder *Pet. Lombard* hath presented out of ancient learning, as well the *Summists* as *Casuists* doe most insist upon that which he brings from (a) S. *Augustine*, as, commonly, where that Father serves their turnes, they never goe further. This definition is, that sinne is *dictum, factum, concupitum, contra aternam legem Dei.* This they stick too, because this definition (if it be one) best beares their descant

1. Why wee wave the ordinary definition of sinne taken from S. *Augustine*, and follow that of *Aquinas.*
a *Lib. 2. Dist. 35. d.*

scant; and is the easiest conveyance, and cariage, and vent for their conceptions; and applying rules of Divinitie to particular cases: by which they have made all our actions perplex'd and litigious, in *foro interiori*, which is their tribunall: by which torture they have brought mens consciences to the same reasons of complaint, which (b) *Pliny* attributes to *Rome*, till *Trajans* time; that *Civitas fundata legibus, legibus evertebatur*. For as Informers vext them with continuall delations upon penall Lawes, so doth this act of sinning entangle wretched consciences in manifold and desperate anxieries.

Of the torturing practise of Casuists.

b *Panegyr. Traian.*

But for this use this definition cannot be thought to be applyable to sinne onely, since it limits it to the externall Law of God, (which word though *Lombard* have not, (c) *Sayr* and all the rest retain) for this eternall Law is (d *ratio gubernativa Dei*, which is no other then his eternall decree for the government of the whole world, and that is Providence. And certainly against this, because it is not alwayes revealed, a man may without sinne both think and speak and doe: as I may resist a disease, of which God hath decreed I shall die. Yea though he seeme to reveale his will, we may resist it, with prayers against it, because it is often conditioned, and accompanied with limitations and exceptions. Yea though God dealt plainly by *Nathan*, (e) [*The child shall surely die*] *David* resisted Gods decree by prayer and penance. We must therefore seek another definition of sinne

c *Thesaur. Cas. Consc. l.* 1. *Ca.* 5.
d *Tho.* 22. *q.* 91. *ar.* 2.

3. Of the eternall law of God in *Augustines* definition against which a man may doe without sinne.

e 2. *Sam.* 12. 14.

which I think is not so well delivered in those words of *Aquinas* (f) [*Omnis defectus debiti actus habet rationem peccati*] as in his other; [*Peccatum est actus devians ab ordine debiti finis contra regulam naturæ rationis, aut legis æternæ*] For here *lex æterna* being put as a member and part of the definition, it cannot admit that vast and large acceptation, which it could not escape in the description of S. *Augustine*, but must in this place be necessarily intended of *lex divina*. Through this definition therefore, we will trace this act of *Self-homicide*, and see whether it offend any of those three sorts of Law.

f 22. q. 64. ar. 1. Con.

4. Of the Definition which we follow.

SECT. VI.

1. How the law of nature, of reason, and of God, exhibited in this definition, are all one; and how diversly accepted.

Of all these three Laws, of Nature, of Reason, and of God, every precept which is permanent, and binds alwayes, is so compos'd and elementedand complexion'd, that to distinguish and seperate them is a Chymick work: And either it doth only seeme to be done, or is done by the torture and vexation of schoole-limbicks, which are exquisite and violent distinctions. For that part of Gods Law which bindes alwayes, bound before it was written, and so it is but *dictamen rectæ rationis*: and that is the Law of nature. And therefore *Isidore* as it is related into the (a) Canons, dividing all Law into divine and humane, addeth [Divine consists of nature, Humane of custome] Yet though these three be almost all one; yet because

a *Dist.* 1. *Omnes.*

cause one thing may be commanded divers waies, and by divers authorities, as the common Law, a Statute, and a Decree of an arbitrary Court, may bind me to do the same thing, it is necessary that we weigh the obligation of every one of these Laws which are in the Definition.

But first I will only mollify and prepare their crude and undigested opinions and prejudice which may be contracted from the often iteration, and specious but sophisticate inculcatings of Law, and Nature, and Reason, and God, with this Antidote, that many things which are of Naturall and Humane and Divine Law may be broken. Of which sort (b) to conceale a secret delivered unto you is one. And the Honour due to Parents is so strictly of all these Laws, as none of the second Table more. Yet in a iust warre a Parricide is not guilty; yea by a law of *Venice*, though (c) *Bodin* say, it were better the Towne were sunk then ever there should be any example or president therein; A sonne shall redeeme himselfe from banishment by killing his Father being also banished. And we (d) read of another state (and Laws of Civil Commonwealths may not easily be pronounced to be against Nature) where when Fathers came to be of an unprofitable and useless age, the sons must beat them to death with clubs: And of another, where all persons of above 70 years were dispatched.

2. In some cases all these three lawes may be broke at once.

3. Revealing a secret.

b *Soto de teg. Secr. membr.* 1. *q.* 2.

4. Parricide.

c *de Rep. l.* 1. *cap.* 4.

d *Ælian. l.* 4. *cap.* 1.

SECT. VII.

1. Of the law, of nature; and that againſt it ſtrictly taken, either no ſin, or all ſinne is done.

2. To doe againſt nature, makes us not guilty of a greater ſinne, but more inexcuſable.

3. Nothing ſo evill, that is never good.

4. No evill but diſobedience.

5. Lying naturally worſe then Selfe-homicide.

a *Theſaur. caſ. conſ. l. 7. c. 9. n. 9.*

b *ſup. 22. q. 37. ar. 2.*

c *de teg. ſecr. memb. 1. q. 3.*

This terme the law of Nature, is ſo variouſly and unconſtantly deliver'd, as I confeſſe I read it a hundred times before I underſtand it once, or can conclude it to ſignifie that which the author ſhould at that time meane. Yet I never found it in any ſence which might juſtifie their vociferations upon ſinnes againſt nature. For the tranſgreſſing of the Law of nature in any act doth not ſeeme to me to increaſe the haynouſneſſe of that act, as though nature were more obligatory than divine Law: but only in this reſpect it aggravates it, that in ſuch a ſin we are inexcuſable by any pretence of ignorance ſince by the light of nature we might diſcern it. Many things which we call ſin, and ſo evill have been done by the commandement of God; by *Abraham* and the *Iſraelites* in their departing from *Ægypt*. So that this evill is not in the nature of the thing, nor in the nature of the whole harmony of the world, and therefore in no Law of nature, but in violating, or omitting a Commandement: All is obedience or diſobedience. Whereupon our Country-man (a) *Sayr* confeſſeth, that this SELF-HOMICIDE is not ſo intrinſecally ill, as to Ly. Which is alſo evident by *Cajetan* (b) where he affirmes, that I may not to ſave my life, accuſe my ſelf upon the Racke. And though *Cajetan* extend no farther herein, then that I may not bely my ſelf: Yet (c) *Soto* evicts,

evicts, that *Cajetans* reasons, with as much force forbid any accusation of my self, though it be true. So much easier may I depart with life then with truth, or with fame, by *Cajetan*. And yet we find that of their fame many holy men have been very negligent. For not onely *Augustine*, *Anselm*, and *Hierome*, betray themselves by unurged confessions, but (d) St *Ambrose* procur'd certain prostitute women, to come into his chamber, that by that he might be defamed, and the People thereby abstaine from making him Bishop. This intrinsique and naturall evill therefore will hardly be found. For, (e God who can command a murder, cannot command an evill, or a sinne; because the whole frame and government of the world being his, he may vse it as he will. As, though he can doe a miracle, he can do nothing against nature; because (f) [That is the nature of every thing, which he works in it.] Hereupon, & upon that other true rule, (g [whatsoever is wrought by a superior Agent, upon a patient, who is naturally subject to that Agent, is naturall] we may safely infer, that nothing which we call sinne is so against nature, but that it may be sometimes agreeable to nature.

On the other side, nature is often taken so widely and so extensively, as all sinne is very truely said to be against nature. Yea, before it come to be sinne. For S. *Augustine* sayes (h) [Every vice, as it is vice, is against nature.] And vice is but habite which being produced to act, is then sinne. Yea

6 Fame may be neglected; yet we are as much bound to preserve it, as life.

d *Soto ibid.*

e *Th. 22. q. 104. ar. 4. ad 2. m.*

7 God cannot command a sin, yet he can command murder.

f *Aug. cont. faust. l. 26. ca. 3.*

g *Th. 1. q. 105. ar. 6. ad 1.*

h *De li. Arb. l. 13. ca. 13.*

8 Originall sin is from nature.

the parent of all sinne, which is hereditary originall sin, which (i) *Aquinas* calls, [a languor and faintnesse in our nature, and an indisposition, proceeding from the dissolution of the harmony of originall Justice] is by him said to be in us, [(k) *quasi naturale*] And is, as he saith in another place, so (l) naturall, [that though it is propagated with our nature, in generation, though it be not caused by the principles of nature.] So (m) as if God would now miraculously frame a man, as he did the first woman, of another's flesh and bone, and not by way of generation, into that creature, all infirmities of our flesh would be derived but not originall Sin. So that originall sinne is æraduced by nature onely, and all actuall sinne issuing from thence, all sinne is naturall.

i 1 2. q. 81. ar. 4.

k 3. q. 8. ar. 5. ad 7.

l 1. q. 100. ar. 1. ad 3.

m 1 2. q. 81. ar. 4.

SECT. VIII.

But to make our approaches neerer. Let us leave the consideration of the Law of nature, as it is Providence, and Gods decree for his government of the great world; and contract it only to the law of nature in the lesse world, our selves. There is then in us a (a) double law of nature, Sensitive and Rationall; and (b) the first doth naturally lead and conduce to the other. But because by the languor and faintnesse of our nature, we lazily rest there, and for the most part goe no further in our journeys therfore out of this ordinary

1 That if our adversaries by law of Nature meane onely Sensitive Nature, they say nothing, for so most vertuous actions are against Nature.

a *Tho.* 1 2. q. 71. ar. 2. *Con.*

b *Carbo Cas. Cons. To.* 2. *pa.* 1. c. 5.

nary indiſpoſition, *Aquinas* pronounceth, that the inclinatio n of our ſenſitive nature is againſt the law of reaſon. And this is that which the Apoſtle calls the law of the fleſh, and oppoſeth againſt the law of the ſpirit. Rom. 7. 23.

Now although it be poſſible to ſinne and tranſgreſſe againſt this ſenſitive nature, which naturally and lawfully (c) is inclined upon *bonum delectabile*, by denying to it lawfull refreſhings, and fomentations; yet I think this is not that law of nature which theſe abhorrers of SELF-HOMICIDE complaine to bee violated by that Act. For ſo they might aſwell accuſe all diſcipline and auſteritie, and affectation of Martyrdome, which are as contrarie to the Law of ſenſitive Nature. c Tho. *ibid.*

SECT. IX.

And therefore, by law of nature, if they will meane any thing, and ſpeak to be underſtood, they muſt entend the law of rationall nature: which is that light which God hath afforded us of his eternall law; and which is uſually call'd *recta ratio*. Now this law of nature as it is onely in man and in him directed upon Piety, Religion, Sociableneſſe; and ſuch for as it reacheth to the preſervation both of Species and individualls, there are lively prints of it in beaſts) is with moſt authors confounded and made the ſame with *jus gentium*. So (a) *Azorius*, and ſo (b) *Syl-*

1 As the law of Nature is *Recta Ratio*, it is *jus gentium*. So Immolation of men and Idolatry, are not againſt Nature.

a *Mor. Inſt.* 9. 1. 5. *cap.* 1.

b *Com. ad leg. Reg. præ.*

c *De Som. figu.*

(b) *Sylvius* delivers [That the law of nature, as it concerns only reason is *jus gentium*,] and therefore whatever is *jus gentium* that is, practised (and accepted in most especially civil'st nations) is also law of nature, which (c) *Artemidorus* exemplifies, in these two, *Deum colere*, *mulieribus vinci*.

How then shall we accuse Idolatry, or immolation of men to be sinnes against nature? For (not to speak of the first, which like a deluge overflowed the whole world, and only *Canaan*, was a little Ark swimming upon it, delivered from utter drowning, but yet not from stormes and and leakes, and dangerous weather-beatings,) immolation of men was so ordinary, that (d) [almost every nation, though not barbarous, had received it.] the (e) *Druids* of *France* made their divinations from sacrifices of men. (f) And in their wars they presaged also after the same fashion. And for our times it appeares by the Spanish relations, (g) that in only *Hispaniola* they sacrific'd yearly 20000 children.

d *Pol. Virg. de Invent. rer. l. 5. cap. 8.*
e *Middendorp. de Acad. l. 6. ex Io. Bormo.*
f *Cæsar. Bell. Gall. l. 6.*
g *Mat. Met. præf. ad Osor. Hist.*

SECT. X.

However since this is receiv'd [(a) that the nature of every thing is the forme by which it is constituted, and that to doe against it, is to doe against nature] since also this forme in man is reason and so to commit against reason is to sin against nature; what sin can be exempt from that charge, that it is a sin against nature, since every sin is

1 A reason is the forme, and so the Nature of man, every sin is against Nature, yea, whatsoever agrees not exactly with Christian Religion.
a 12. q. 71. ar. 2. Con.

is against reason. And in this acceptation (b) *Lucidus* takes the law of nature, when he sayes [God hath written in our hearts such a law of nature, as by that, we are saved in the coming of Christ.] And so every act which concurres not exactly with our religion shall bee sinne against nature. Which will appeare evidently out of (c *Jeremies* words, where God promiseth as a future blessing, that he will write his lawes in their hearts, which is the Christian law. So that the Christian law, and the law of nature, (for that is the law written in hearts) must be all one. Sinne therefore against nature is not so enormous, but that that may stand true, which *Navar* saith (d) [that many lawes both naturall and divine doe bind onely *ad veniale*.] And so (not disputing at this time, whither it be against reason alwaies or no,) (for reason and vertue differ no otherwise than a close box of druggs, and an emplaister or medicine made from thence and applyed to a particular use and necessitie; and in the box are not onely aromatike simples, but many poysons, which the nature of the disease, and the art of the Administrer make wholsome,) This SELF-HOMICIDE is no more against the law of nature, then any other sinne, nor in any of the acceptations which we touch'd before. And this is as much as I determined for this first Distinction.

b *Epistola multis epist.*

c 31. 33.

d *Manual. ca.* 23. *nu.* 50.

2. Vertue produced to act, differs so from reason, as a medicine made and applyed, from a box of druggs.

Distinction II.

SECT. I.

1. Sinnes against nature in a particular sense, are by Schoolmen said to be unnaturall lusts; and this. But in Scriptures onely the first is so called.
a *Mor. Instit. p. 1. l. 4. cap. 1.*
b *22. q. 154. ar. 11. Con.*

THere is a lower and narrower acceptation of this law of nature (which could not well be discerned but by this light, and fore-discoursing) against which law, this sinne, and a very few more, seeme to be directly bent, and opposed. For (a) *Azorius* sayes, [That there are sinnes peculiarly against nature, which are *contra naturalem usum hominis*] which he exemplifies in unnaturall lusts, and in this. And of the former example (b) *Aquinas* sayes, [That there are some kinds of lusts which are sinnes against nature, both as they are generally vices, and as they are against the naturall order of the act of generation.] In the Scriptures also this sinne of misusing the Sexe, is called against nature, by (c) S. *Paul*. And once (in the vulgar edition) in the (d) old Testament. But (as I intimated once before) this sinne against nature is so much abhor'd, not because the being against nature makes it so abominable, but because the knowledge therof is so domestique, so neare, so inward to us, that our conscience cannot slumber in it, nor dissemble it, as in most other sinnes it doth. For, in that example of the *Levite* in the booke of *Judges*, (if those wicked men did seeke him for that abominable use, which (e) *Josephus* sayes,

c *Rom. 1. 20.*
d *Judg. 19. 24*

2. Of the example of the *Levite* in the *Judges*.
e *Antiq. l. 5. c. 2.*

sayes, was onely for his wife; And when himself relates to the people the history of his injury in the next chapter, he complains that they went about to kill him to enjoy his wife, and of no other kind of injury;) though the Host which had harbor'd him diſſwade the men thus, [*ſolum non operemini hoc contra naturam*] will any man ſay, that the offer which he made them to extinguiſh their furious luſt, to expoſe to them his owne daughter, a virgine, and the wife of his gueſt, (which *Ioſephus* encreaſes by calling her a *Levite* and his kinſ-woman,) was a leſſe ſinne, then to have given way to their violence, or leſſe againſt nature, becauſe that which they ſought was *contra naturalem uſum*. Is not every voluntary pollution, *in genere peccati*, as much againſt the law of nature, as this was, ſince it ſtrayes and departs from the way, and defeats the end of that faculty in us, which is generation? The violating therefore of the law of nature, doth in no acc ptation aggravate the ſinne. Neither doth the Scripture call any other ſinne, then diſorderly luſt by that name; S. *Paul* once appeals to the law of nature, when arguing about the covering of heads, of men or women at publique prayer, hee ſayes, [*Iudge in your ſelves;*] And [*Doth not nature teach you, that if a man have long hair, it is a ſhame.*] Not that this was againſt that law of nature to which all men were bound, for it was not alwayes ſo. For, in moſt places, ſhavings and cuttings, and pullings, are by the *Satyriques* and *Epigrammatiſts*

1 *Cor.* 11. 14. 3. S *Pauls* uſe of the phraſe *Law of nature* in long haire.

of those times, reprehended for delicacy and effeminateneſſe. And the *Romans* till forrain corruption had envenom'd them, were ever call'd gloriouſly *Intenſi*; but becauſe (ſayes *Calvine*) [it was at that time received as a cuſtome throughout all *Greece*, to weare ſhort haire, S. *Paul* calls it naturall.]

So *Vegetius* ſayes [That from (f) *November* to *March* the Seas are ſhut up, and intractable *lege naturæ*,] which now are tame and tractable enough, and this alſo *lege naturæ*. And that cuſtome which S. *Paul* call'd naturall in *Greece*, was not long naturall there. For the Biſhops of *Rome*, when they made their Canons for Prieſts ſhavings, (g) did it becauſe they would have their Prieſts differ from the Prieſts of the *Greek* Church. So that S. *Paul* mentioning the law of nature, argues not from the weight and hainouſneſſe of the fault, as our adverſaries uſe; but uſeth it as the neareſt and moſt familiar and eaſie way to lead them to a knowledge of decencie, and a departing from ſcandalous ſingularitie in thoſe publique meetings.

f *De re milit. l. 4. c. 39.*

4. *Vegetius* uſe of that phraſe.

g *Pierius de barbis Sacerdotum.*

1. Selfe-preſervation is not ſo of particular law of nature, but that beaſts naturally tranſgreſſe it, whom it binds more then us; and we, when the reaſon thereof ceaſes in us, may tranſgreſſe it, and ſometimes muſt.

SECT. II.

And though *Azorius* (as I ſaid) and many others, make this *Selfe-homicide* an example of ſin, againſt particular Law of Nature; yet it is onely upon this reaſon, that *ſelfe-preſervation* is of Naturall Law. But that Naturall Law is ſo generall, that

that it extends to beasts more then to us, because they cannot compare degrees of obligation and distinctions of duties and offices, as we can. For we know that (a) [some things are naturall to the *species*, and other things to the particular *person*] and that the latter may correct the first. And therefore when (b) *Cicero* consulted the oracle at *Delphos*, he had this answer, [*Follow your owne nature*] And so certainly that place, (c) [*It is not good for the man to be alone*] is meant there, because if he were alone, Gods purpose of multiplying mankinde had beene frustrate. Yet though this be ill for conservation of our *species* in generall, yet it may be very fit for some particular man, to abstaine from all such conversation of marriage or men, and retire to a sollitude. For some may need that counsell of (d) *Chrysostome*, [Depart from the high way, & transplant thy self in some inclosed ground: for it is hard for a tree which stands by the way side, to keep her fruit, till it be ripe.] Our safest assurance, that we be not mislead with the ambiguity of the word *Naturall Law*, and the perplex'd variety thereof in Authors, will be this, That [all the precepts of Naturall Law, result in these, *Fly evill, seek good*;] That is, doe according to Reason.

For these, as they are indispensable by any authority, so they cannot be abolished nor obscur'd, but that our hearts shall ever not onely retaine, but acknowledge this Law. From these are deduced by consequence, other precepts

a *Tho. 12. q. 91. ar. 7. Con.*

2. Things naturall to the *species*, are not alwaies so to the *individuum*.

b *Fabricius Hist. Cicero, Ann. 30.*

c *Gen. 2. 18.*

3 Therefore some may abandon the world.

d *Homil. 36. Oper. imperf. in Matth.*

e *Th. 12. q. 94. ar. 4.*

4 First principles in naturall Law are obligatory, but not deductions from thence, and the lower we descend, the weaker they are.

which are not necessary alwaies; as *Redde depositum*. For though this seeme to follow of the first, *Doe according to reason*, yet it is not alwaies just. And as *Aquinas* saies, The lower you goe towards particulars, the more you depart from the necessitie of being bound to it. So (f) *Acacius* illustrates it more clearely, [It is naturall, and bindes all alwaies, to know there is a God. From this is deduced by necessary consequence, that God (if he be) must be worshipped; and after this, by likely consequence, that he must be worshipped in this or this manner.] And so every Sect will a little corruptly and adulterately call their discipline *Naturall Law*, and enjoyn a necessary obedience to it. But (g) though our substance of nature, (which is best understood of the foundations and principles, and first grounds of Naturall Law,) may not be changed, yet *functio naturæ*, (which is the exercise and application therof,) and deduction from thence may, and must. The like danger is in deducing consequences from this naturall Law, of *Selfe-preservation*; which doth not so rigorously, and urgently, and illimitedly binde, but that by the Law of Nature it selfe, things may, yea must neglect themselves for others; of which the Pellican is an instance, or an embleme.

f *De privilegiis Juris d.* 1. *c.* 8.

g *Sylvius Comment. ad leg. reg. præfat. c.* 1.

5 Pellicans, and Bees, by S. *Ambrose*, kill themselves.

And (h) St. *Ambrose* Philosophying divinely in a contemplation of Bees, after he hath afforded them many other prayses, sayes [*That when they finde themselves guilty of having broken any of their Kings*

h *Hexam. l.* 5. *cap.* 1.

Kings Lawes, *Panitenti condemnatione se multent, ut immoriantur aculei sui vulnere*] Which magnanimity and justice, he compares there with the Subjects of the Kings of *Persia*, who in like cases are their owne executioners. As this naturall instinct in beasts, so rectified reason belonging onely to us, instructs us often to preferre publique and necessary persons, by exposing our selves to unevitable destruction.

6 The reason of almost every Law is mutable.

No law is so primary and simple, but it foreimagines a reason upon which it was founded: and scarce any reason is so constant, but that circumstances alter it. In which case a private man is Emperor of himselfe; for so (i) a devout man interprets those words, [*Faciamus hominem ad imaginem nostrum*, id est, *sui juris*.] And he whose conscience well tempred and dispassion'd, assures him that the reason of selfe-preservation ceases in him, may also presume that the law ceases too, and may doe that then which otherwise were against that law.

i *B. Dorotheus Doctrinâ* 12.

And therefore if it be true that [*it* (k) *belongs to the Bishop of* Rome, *to declare, interpret, limit, distinguish the law of God,*] as their Doctors teach, which is, to declare when the reason of the Law ceases: it may be as true which this Author, and the (l) Canons affirme, that he may dispense with that Law: for hee doth no more, then any man might doe of himselfe, if he could judge as infallibly. Let it be true that no man may at any time doe any thing against the law of nature, yet,

k *Windeck. Canonum & legum consens. & dissens. ca.* 12.

7 He that can declare when the reason ceases, may dispence with the Law.

l 25. *q.* 1. *sunt quidam.*

(m) [*As*

(m) [*As a dispensation workes not thus, that I may by it disobey a law, but that that law becomes to me no law, in that case wher the reason ceases;*] So may any man be the Bishop & Magistrate to himselfe, and dispense with his conscience, where it can appeare that the reason which is the soule and forme of the law, is ceased. Because, (n) as in Oathes and Vowes, so in the Law, the necessitie of dispensations proceedes from this, that a thing which universally considered in it selfe is profitable and honest, by reason of some particular event, becomes either dishonest or hurtfull; neither of which, can fall within the reach, or under the Commandement of any law; and in these exempt and priviledged cases, (o) [the priviledge is not *contra jus universale,* but *contra universalitem juris*] It doth onely succor a person, not wound, nor infirme a law. No more, then I take from the vertue of light, or dignitie of the Sunne, if to escape the scortching thereof, I allow my selfe the reliefe of a shadow.

And, as neither the watchfulnesse of Parliaments, nor the descents and indulgences of Princes, which have consented to lawes derogatory to themselves, have beene able to prejudice the Princes *non obstantes*, because prerogative is incomprehensible, and over flowes and transcends all law. And as those Canons which boldly (and as some School-men say) blasphemously say, *Non licebit Papæ*, diminish not his fulnesse of power, nor impeach his *motus propriores*, (as they call them)

m *Tho. 22. q. 88. ar. 10.* 8. How dispensations worke.

n *Tho. 22. q. 89. ar. 9.*

o *Acacius de privilegijs l. 1. ca. 3.*

9. As nothing can annull the prerogative of Princes or Popes, though their own act seeme to provide against it; so no law doth so destroy mans liberty, but that he returnes to it, when the reason of the law ceases.

them) nor his *non obstante jure divino*, b cause they are understood ever to whisper some just reservation, *sine justa causa*, or *rebus sic stantibus*, so, what law soever is cast upon the conscience or liberty of man, of which the reason is mutable, is naturally condition'd with this, that it binds so long as the reason lives.

Besides, *Selfe-preservation*, which wee confesse to be the foundation of generall naturall Law, is no other thing then a naturall affection and appetition of good, whether true or seeming. For certainly the desire of Martyrdome, though the body perish, is a *Selfe-preservation*, because thereby, out of our election our best part is advanc'd. For heaven which we gaine so, is certainly good; Life, but probably and possibly. For here it holds well which (p) *Athenagoras* sayes, [*Earthly things and Heavenly differ so, as Veri-simile, & Verum*;] And this is the best description of felicitie that I have found, That [(q) it is *reditus uniuscujusque rei ad suum principium.*] Now since this law of *Selfe-preservation* is accompliſh'd in attaining that which conduces to our ends, and is good to us, (for (r) liberty, which is a faculty of doing that which I would, is as much of the law of nature as preservation is; yet if for reasons seeming good to me, (as to preserve my life when I am justly taken prisoner, I will become a slave; I may doe it without violating the law of nature.) If I propose to my selfe in this SELF-HOMICIDE a greater good, though I mistake it, I perceive not

10. Selfe-preservation being but an appetition of that which is good to us, is not violated by this act.

p *De resurrect.*

q *Heptapl. Io. Pici. l. 7. proem.*

r *Sylvius Com. ad leg. reg. præfat. l. 1.*

11. Liberty, which is naturally to be preserved, may be departed with.

wherein I tranſgreſſe the generall law of nature, which is an affection of good, true, or ſeeming: and if that which I affect by death, bee truely a greater good, wherein is the other ſtricter law of nature, which is rectified reaſon, violated?

SECT. III.

1. That cannot be againſt Law of Nature, which men have ever affected; if it be alſo, (as this is) againſt ſenſitive Nature, and ſo want the allurements of other ſins.

a *De Subtil. lib.* 5.

Another reaſon which prevailes much with me, and delivers it from being againſt the Law of nature, is this, that in all ages, in all places, upon all occaſions, men of all conditions, have affected it, and inclin'd to doe it. And as (a) *Cardan* ſayes it, [*Mettall is planta ſepulta, and that a Mole is Animal ſepultum.*] So man, as though he were *Angelus ſepultus*, labours to be diſcharged of his earthly Sepulchre, his body. And though this may be ſaid of all other ſinnes, that men are propenſe to them, and yet for all that frequency, they are againſt nature, that is rectifyed reaſon, yet if this ſinne were againſt particular Law of nature, (as they muſt hold, which aggravate it by that circumſtance,) and that ſo it wrought to the deſtruction of our ſpecies, any otherwiſe then intemperate luſt, or ſurfet, or incurring penall Lawes, and ſuch like doe, it could not be ſo generall; ſince being contrary to our ſenſitive nature, it hath not the advantage of pleaſure and delight, to allure us withall, which other ſinnes have.

And when I frame to my ſelfe a Martyrologe of

of all which have perished by their own meanes for Religion, Countrey, Fame, Love, Ease, Feare, Shame; I blush to see how naked of followers all vertues are in respect of this fortitude; and that all Histories afford not so many examples, either of cunning and subtile devises, or of forcible and violent actions for the safeguard of life, as for destroying.

2. There are not so many examples of all other vertues, as of this one degree of Fortitude.

Petronius Arbiter who served *Nero*, a man of pleasure, in the office of Master of his pleasures, upon the first frowne went home, and cut his Veines. So present and immediate a step was it to him, from full pleasure to such a death.

Petr. Arbiter.

How subtilly and curiously *Attilius Regulus* destroyed himselfe? Wo being of such integritie, that he would never have lyed to save his life, lyed to lose it; falsely pleading, that the *Carthaginians* had given him poyson, and that within few dayes he should dye, though he stayed at *Rome*.

Attil. Regulus.

Yet *Codrus* forcing of his death, exceeded this, because in that base disguise he was likely to perish without fame.

Codrus.

Herennius the *Sicilian*, could endure to beat out his own braines against a post; and as though he had owed thanks to that braine which had given him this devise of killing himselfe, would not leave beating, till he could see and salute it.

Herennius.

Comas who had been a Captaine of theeves, when he came to the torture of examination, scorning all forraigne and accessorie helps to dye,

Comas.

made his owne breath, the instrument of his death, by stopping and reccluding it.

Annibal. *Annibal*, because if hee should be overtaken with extreame necessitie, he would be beholden to none for life nor death, dyed with poyson which he alwaies carryed in a ring.

Demosthenes. As *Demosthenes* did with poyson carryed in a penne.

Aristarchus. *Aristarchus* when he saw that 72 yeares, nor the corrupt and malignant disease of being a severe Critique, could weare him out, sterved himselfe then.

Homer. *Homer* which had written a thousand things, which no man else understood, is said to have hanged himselfe, because he understood not the Fishermens riddle.

Othryades. *Othryades* who onely survived of 300 Champions, appointed to end a quarrell between the *Lacedemonians* and *Athenians*, when now the lives of all the 300 were in him, as though it had been a new victory to kill them over again, kill'd himselfe.

Democles. *Democles*, whom a *Greeke* Tyrant would have forced, to show that he could suffer any other heat, scalded himselfe to death.

Portia. Lucitatius. *Portia*, *Cato's* daughter, and *Catulus Lucitatius* sought new conclusions, and as *Quintilian* calls them, [*Nova Sacramenta pereundi*,] and dyed by swallowing burning coales.

Declam. 17.

Terence. Poore *Terence* because he lost his 108 translated Comedies, drown'd himselfe.

And

And the Poet *Labienus*, becauſe his Satyricall Bookes were burned by Edict, burnt himſelfe too. *Labienus.*

And *Zeno*, before whom ſcarce any is preferr'd, becauſe he ſtumbled, and hurt his finger againſt the ground, interpreted that as a Summons from the earth, and hang'd himſelfe, being then almoſt 100 yeares old. For which act, *Diogenes Laertius* proclaimes him to have been [*Mira felicitate vir, qui incolumis, integer, ſine Morbo exceſſit.*] *Zeno.*

To cure himſelfe of a quartane, *Portius Latro* killed himſelfe. *Por. Latro.*

And *Feſtus*, *Domicians* Minion, onely to hide the deformity of a Ringworme in his face. *Feſtus.*

Hippionax the Poet rimed *Bubalus* the Painter to death with his Iambiques. *Hippionax.*

Macer bore well enough his being called into queſtion for great faults, but hanged himſelfe when hee heard that *Cicero* would plead againſt him, though the *Roman* condemnations at that time inflicted not ſo deep puniſhments. *Macer.*

And ſo *Caſſius Licinius* to eſcape *Cicero's* judgement, by choaking himſelfe with a napkin, had (as *Tacitus* callsit) *precium feſtinandi.* You can ſcarce immagine any perſon ſo happy, or miſerable, ſo repos'd or ſo vaine, or any occaſion either of true loſſe, or of ſhamefaſtneſſe, or frowardneſſe, but that there is ſome example of it. *Licinius.* *Annal. lib. 5.*

Yet no man, to me ſeemes to have made harder ſhift to dy, then *Charondas*, who firſt having *Charondas.*

made a new law, that it ſhould be death to enter the Counſell Chamber armed, not onely offended that Law, but puniſhed it preſently by falling upon his ſword.

But the generall houre of ſuch death is abundantly expreſſed, in thoſe ſwarmes of the *Roman* Gladiatory Champions, which, as (b) *Lipſius* collects, in ſome one month coſt *Europe* 30000 men, and to which exerciſe and profuſion of life, till expreſſe Lawes forbade it, (c) not onely men of great birth, and place in the State, but alſo women coveted to be admitted.

By *Eleazars* Oration recorded in (d) *Joſephus*, we may ſee how ſmall perſwaſions moved men to this. [*Hee onely told them, that the Philoſophers among the Indians did ſo. And that we and our children were borne to dy, but neither borne to ſerve.*]

And we may well collect, that in *Cæſars* time, in *France*, for one who dyed naturally, there dyed many by this devout violence. For (e) hee ſayes there were ſome, whom he calls *Devotos*, and *Clientes*, ((f) the latter Lawes call them *Soldurios*) which enjoying many benefits, and commodities, from men of higher ranke, alwaies when the Lord dyed, celebrated his Funerall with their owne. And *Cæſar* adds, that in the memorie of man, no one was fouud that ever refuſed it.

Which devotion I have read ſome where continues

3. Of the *Romane* Gladiators in great perſons, and great numbers

b *L. 1. cap. 12. de Gladiator.*

c *Idem. l. 2. cap. 3.*

d *De bell. Judai. l. 7. c. 28.*

4 Small perſwaſions drew men to it.

5 By the Soldurii in *France* it may be gathered, that more dyed ſo, then naturally.

e *Lib. 3. com. Bell. Gall.*

f *Tholoſa. Synt. lib. 14. cap. 10. N. 14.*

tinues yet in all the wives in the Kingdome of *Bengala* in the *Indies*.

6. Wives in *Bengala* doe so yet.

And there not onely such persons, as doe it in testimony of an entire dependency, and of a gratitude, but the (g) *Samanæi*, (which did not inherite Religion, and Priesthood, and wisedome, as *Levites* did amongst the *Jewes*, and the *Gymnosophists* amongst them, but were admitted by election, upon notice taken of their sanctity) are sayd to have studied wayes how to dye, and especially then when they were in best state of health. And yet (h) these Priests whose care was to dye thus, did ever summe up, and abridge all their precepts into this one, *Let a pious death determine a good life.* Such an estimation had they of this manner of dying. (i) How pathetically *Latinus Pacatus* expresses the sweetnesse of dying when we will; [*Others*, sayth he, *after the conquest, making a braver bargaine with Destiny, prevented uncertaine death by certaine, and the slaves scaped whipping by strangling. For who ever fear'd, after there was no hope? Or who would therefore forbeare to kill himselfe, that another might? Is anothers hand easier then thine own? Or a private death fouler then a publique? Or is it more paine to fall upon thy sword, and to oppresse the wound with thy body, and so receive death at once, then to divide the torment, bend the knee, stretch out the necke, perchance to more then one blow?*] And then wondring why *Maximus*, who had before murdered *Gratian*, and was now suppressed by *Theodosius*, had not enjoyed the common benefit of killing himselfe,

7. The *Samanæi* which were Priests in the *Indies* used to doe it.

g *Porphyr. de Abstin. antiq.*

h *Heurnius de philosoph. Barbar. l. 2. ca. 2.*

i *Panegyr. Theodosio.*

8. *Lat. Pacat.* expresseth this death pathetically.

himselfe, he turnes upon *Gratian*, and sayes, [*Thou* Reverend Gratian, *hast chased thine Executioner, and would'st not allow him leasure for so honest a death, least he should staine the sacred* Imperiall *robe with so impious blond, or that a* Tyrants *hand should performe thy revenge, or thou bee beholden to him for his owne death.*] And with like passion speakes another *Panegyrique* to *Constantine*, who after a victorie, tooke their swords from the conquered, *Ne quis incumberet dolori.* By which language one may see, how naturall it was to those times, to affect such dispatch.

k *Matal. Metel. præfat. in hist. Osorij.*

9. How the *Spaniards* corrected this naturall desire in the *Indians.*

And in our age, (k) when the *Spaniards* extended that Law, which was made onely against the *Canibals*, that they who would not accept Christian Religion, should incurre bondage; the *Indians* in infinite numbers escaped this by killing themselves; and never ceased, till the *Spaniards* by some counterfeitings made them thinke, that they also would kill themselves, and follow them with the same severity into the next life.

And thus much seeming to me sufficient, to defeate that argument which is drawen from *Selfe-preservation*, and to prove that it is not so of particular law of Nature, but that it is often transgressed naturally, wee will here end this second Distinction.

Distinct.

Distinction III.

SECT. I.

AFter this when men by civilitie and mutuall use one of another, became more thrifty of themselves, and sparing of their lives, this solemnity of killing themselves at funeralls wore out and vanish'd; yet leysurely, and by unsensible diminutions (a) [*For first in shew of it, the men wounded themselves, and the women scratch'd and defaced their cheekes, and sacrific'd so by that aspersion of blood. After that, by their friends graves they made graves for themselves, and entred into them alive,* (*as* Nunnes *doe when they renounce the world.*) *And after in shew of this shew, they onely tooke some of the earth, and wore it upon their heads: and so for the publique benefit were content to forfeit their custome of dying*]

And after Christianitie, which besides the many advantages above all other Phylosophies, that it hath made us clearely to understand the state of the next life: which *Moses* and his followers (though they understood it) disguis'd ever under earthly rewards, and punishments: either because humane nature after the first fall, till the restitution and dignification thereof by Christ, was generally incapable of such mysteries, or, because it was reserved to our blessed Saviour to interpret and comment upon his owne Law, and that

a *Sylvius Com. ad leg. reg. c.* 24.

1 After civility and christianity quenched this naturall desire, in the place thereof, there succeeded a thirst of Martyrdome.

2 How leisurely the custome of killing at funerals wore out.

3 *Moses* delivered, and the philosophers saw the state of the next life, but unperfectly.

great ſucceſſive Trinity of humane wiſedome, *Socrates*, *Plato*, and *Ariſtotle*, ſaw but glimmeringly and variouſly; as alſo for matters of this life, the moſt Stoick and ſevere Sect that ever caſt bridle upon mankind, I ſay, after Chriſtianity had quench'd thoſe reſpects of faine, eaſe, ſhame, and ſuch, how quickly naturally man ſnatch'd and embraced a new way of profuſing his life by Martyrdome?

SECT. II.

1 That this was for the moſt part inſinuated into men by Naturall reaſons, and much upon humane reſpects.

For whil'ſt the famous acts, or famous ſuffrings of the *Jewes*, for defence even of Ceremonies, (many thouſands of them being ſlaine, onely becauſe they would not defend themſelves upon the Saboth;) And whil'ſt the cuſtome of that Nation ever embrued in ſacrifices of blood, and all, moſt of all other Nations devout and earneſt even in the immolation of men. And whil'ſt the example of our bleſſed Saviour, who choſe that way for our Redemption to ſacrifice his life, and profuſe his blood, was now freſh in them, and govern'd all their affections, it was not hard for their Doctors even by naturall reaſons, and by examples to invite, or to cheriſh their propenſneſſe to Martyrdome.

Strmat. l. 4.

2 So proceeded *Clemens.*

Clement therefore when he handles this point, ſcarce preſents to them any other argument then naturall men were capable of, and ſuch food, and ſuch fuell, as would ſerve the taſt and fervour

vour of such an one as were not curious above Nature. As, that Death was not naturally evill: That Martyrdome was the beginning of another life. That the Heathen endured greater paines for lesse reward. That a Barbarous people immolated every yeare a principall Philosoper to *Xamolxis* an Idol; and they upon whom the lot fell not, mourn'd for that. And with most earnestnesse that Martyrdome is in our owne power: which be arguments better proportioned to Nature, then to Divinity; and therefore *Clement* presumed them men inclined, or inclinable by nature to this affection.

Tertullians Reasons are somewhat more sublime; yet rather fine, and delightfull, then sollid and weighty; As, That God knowing man would sin after Baptisme, provided him, *Secunda solatia, lavacrum Sanguinis*: That the death of Saints, which is said to be precious in Gods sight, cannot bee understood of the naturall death common to all: And that from the beginning in *Abel* righteousnesse was afflicted. And these reasons were not such as would have entred any, in whom a naturall inclination had not set open the gates before.

L. cont. Gnostic. 3. So did *Tertullian.*

Cyprian also takes the same way; and insists upon application of Prophecies of these two sorts; That they should bee despised in this world, and that they should be rewarded in the next.

Lib. de exhort. Martyrii ad fortunatum. So did *Cyprian.*

To these were added externall Honours,

(a) Annuall celebrating their Memories, and entitling their deaths, *Natalitia*; And (b) that early instituting of the office of Notaries to regulate their passions, even in *Clemens* time; And (c) the proposing their *Salita capita* to bee worshipped; which word (though *Eunapius* speake it prophanely) was not undeserved by the generall misuse of such devotion.

And (d) after the Monopoly of appropriating Martyrdome, and establishing the benefit thereof upon them onely which held the integritie of faith, and were in the unity of the Church; of which persuasion *Augustine*, and *Hierom*, and most of the Ancients are cited to be; and then by continuall increasing the dignity and merit of it, as that (e) *ex opere operato*, it purged actuall sinne, as Baptisme did originall; And (f) that without Charitie, and in Schisme, though it merited not salvation, yet it diminished the intensnesse of Damnation.

And by these they incited mans nature to it, which also might be a little corruptly warmed towards it, by seeing them ever punisht who afflicted them, for so (g) *Tertullian* saies, that [*no City escaped punishment, which had shed Christian bloud.*]

After this, they descended to admit more into their fellowship, and communicate and extend these priviledges: for by such indulgence are (h) *Herods* Infants Martyrs: So is *John Baptist*, though he dyed not for a matter of Christian

a *Tertul. de Corona Milit.* 4 Externall Honours to Martyrs.
b *Damasc. & Platin.*
c *Hadr. Junius in Eunapii vita* 5 Monopolie of Martyrdom
d *Fevardentius l. 8. c. 13. Baron. Martyr. cap. 10.*
e *Carbo. Cas. Cons. To. 2. pa. 2. c. 6.*
f *De pœniten. Dist. 1. Si qui autẽ. Ex Aug. de pœnitent.* 6 Gods punishments upon their persecutors, encouraged men to Martyrdome.
g *Ad Scapulam.* 7. Extending priviledges of Martyrs to many.
h *Aug. Epist. ad Hieron. 28. De Nat. & Orig. Anim.*

ſtian faith: So (i) is he which ſuffers for any vertue, and he which dyes in his mothers womb, if ſhe be a Martyr. (k) And ſo is he which being for Chriſtian profeſſion wounded deadly, recovers: and hee which being not deadly wounded, dyes after of ſickneſſe contracted by his owne negligence, if that negligence amounted not to mortall ſinne.

i *Aphoris: Eman. Sa. verbo Martyr.*
k *Tho. 22 q. 124. ar. 4. ad quart.*

So not onely the ſickly and infirme ſucceeding Ages, but even the pureſt times did cherriſh in men this deſire of death, even by contrary reaſons; both which notwithſtanding by change of circumſtances, had apparance of good. For as fire is made more intenſe, ſometimes by ſprinkling water, ſometimes by adding fuell. So when their teachers found any cooleneſſe or remiſſeneſſe in them, and an inclination to flight, or compoſition with the State, then (l) *Cyprian* noted ſuch with the ignominy of *Libellatici*, becauſe they had taken an acquittance of the State, and ſayes of them [*Culpa minor ſacrificatorum, ſed non innocens conſcientia.*]

8. Contrary reaſons cherriſhed this deſire in them.

9 *Cyprian Libellatici.* Compounders with the State.

l *Sermo de lapſis.*

And then (m) *Tertullian* equally infames flying away, and ſuch marchandizing, when hee ſayes, [*Perſecution muſt not be redeemed; for running away is a buying of your peace for nothing, and a buying of your peace for money is a running away.*]

m *De fuga. propoſitio. 2.*
10 *Tertullian* condemnes flying in perſecution.

And then we ſhall finde that even againſt the nature of the word Martyre, it became the common opinion, that death was requiſite and neceſſarie to make one a Martyr.

11 Death, became to bee held neceſſary to make one a Martyr.

n *Hist. l. 5. c. 2.*

So in (n) *Eusebius*, the Christians though afflicted, modestly refuse the name of Martyrs, and professe that they have not deserved it, except they may be kill'd.

12. In times when they exceeded in discreet exposing themselves, they taught that Martyres might be without dying.

Contrarywise in other times when the disease of head-long dying at once, seemed both to weare out their numbers, and to lay some scandall upon the cause, which wrought such a desire in men, which understood not why they did it, but uninstructed, uncatechized, yea unbaptized, (but that the charity of the Supervivers imputed to them *Baptisma fluminis*, as they hope, or at least, *Sanguinis*, for that they saw) did onely, as they saw others doe; Then I say (as (o) a Learned Writer of our time sayes, [*That the Church abstaines from easie Canonizing, Ne vilesceret Sanctitas*] (which is not here Holinesse, but Saintship) least the dignity of Martyrdome should be aviled by such promiscuous admittance to it, they were often contented to allow them the comfort of Martydome without dying; which was but a returning to the naturall sense of the word.

o *Azor. Mor. Inst. p. 2. l. 5. cap. 7.*

Ad Polycarp.

So *Ignatius* stiles himselfe in his Epistles, Martyr. Yea more then the rest he brought down the value thereof, and the deare purchase, for he sayes (p) [*That as he which honors a Prophet in the name of a Prophet, shall have a Prophets reward; So hee shall have a Martyrs reward which honors* [*victum Christi.*] And so our most blessed Saviour, proceeding in his mercifull purpose of encreasing his King-

p *Ad Smirnen.*

Kingdome upon earth, yet permitting the Heathen Princes to continue theirs as yet, the Christian Religion was dilated and oppreſſed; and the profeſſors thereof, ſo dejected and worne with confiſcations and impriſonments, thought that as in the (q) *Paſſeover* from *Egypt* every doore was ſprinkled with blood; So Heaven had no doore from this world but by fires, croſſes, and bloody perſecutions: and preſuming Heaven to be at the next ſtep, they would often ſtubbornly or ſtupidly winke, and ſo make that one ſtep.

q *Exod.* 12.7.

God forbid any ſhould be ſo malignant, ſo to miſ-interpret mee, as though I thought not *the blood of Martyrs to be the ſeed of the Church*, or diminiſhed the dignity thereof; yet it becomes any ingenuity to confeſſe, that thoſe times were affected with a diſeaſe of this naturall deſire of ſuch a death; and that to ſuch may fruitfully be applyed thoſe words of the good B: *Paulinus*, (r) [*Athleta non vincit ſtatim, quia eruitur: nec ideo tranſnatant, quia ſe ſpoliant.*] Alas! we may fall & drown at the laſt ſtroke; for, to ſayle to heaven it is not enough to caſt away the burdenous ſuperfluities which we have long carried about us, but we muſt alſo take in a good frayte. It is not lightneſſe, but an even-repoſed ſtedfaſtneſſe, which carries us thither.

r *Severo ep.* 2.

But (ſ) *Cyprian* was forced to finde out an anſwer to this lamentation, which he then found to be common to men on their death beds, [*Wee meurne becauſe with all our ſtrength we haa vowed our ſelves*

ſ *De Contempt. mortis.* 13 *Cyprian. profeſ.* Men who offered their lives before they were called.

selves to Martyrdome, of which we are thus deprived, by being prevented by naturall death] And (t) for them who before they were called upon, offered themselves to Martyrdome, he is faine to provide the glorious and satisfactory name of Professors.

From such an inordinate desire, too obedient to nature, proceeded the fury of some Christians (u) who when sentence was pronounced against others, standing by, cryed out, *Wee also are Christians.*

And that inexcusable forwardnesse of *Germanus*, (x) who drew the beast to him, and enforced it to teare his body; And why did he this? *Eusebius* delivers his reason; That he might bee the sooner delivered out of this wicked and sinfull life. Which (y) acts *Eusebius* glorifies with this prayse, [That they did them *mente digna Philosophis*] So that it seemes wisest men provoked this by their examples; As (z) at the burning of the temple at Hierusalem, *Meirus* and *Iosephus*, though they had way to the Romans, cast themselves into the fire. How passionately (a) *Ignatius* solicites the Roman Christians not to interrupt his death. [*I feare saith he, your charity will hurt me, and put me to beginne my course again, except you endeavour that it may be sacrificed now. I professe to all Churches*, quod voluntarius morior] *And after*, Blandiciis demulcete feras; *entice and corrupt the Beasts to devoure me, and to be my sepulchre*, truer bett is, *Let me enjoy those beasts, whom I wish much more cruell then they are; and if they*

t *Baroni. Mar. 2. Ian. H.*

14 Enforcers of their owne Martyrdome.

u *Euseb. Hist. l. 8. c. 9.*

15 Examples of inordinate affecting of Martyrdome. *Germanus.*

x *Hist. l. 4. c. 14.*

y *Hist. l. 4. c. 10.*

Meir. & Iosep.

z *Ioseph. de bel. Ind. l. 7. c. 11.*

a *Ignati. epist. ad Roman.*

16 *Ignatius* solicitation for it.

they will not attempt me, I will provoke and draw them by force] And what was *Ignatius* reason for this, being a man necessary to those Churches, and having allowable excuses of avoiding it? [*quia mihi utile mori est.*] such an intemperance urged the woman of *Edissa*, (b) when the Emperour *Valens* had forbidden the Christians one temple, to which particular reasons of devotion invited them, to enrage the Officers with this Contumely, when they asked her, why thus squallid, and headlong she dregg'd her sonne through the streets; I do it least when you have slaine all the other Christians, I and my sonne should come to late to partake that benefit. And such a disorderly heate possessed that (c) old wretched man, which passing by after the execution of a whole legion of **6666**, by iterated decimation, under *Maximianus*, although he were answered that they dyed, not onely for resisting the Roman Religion, but the State, for all that, wish't that he might have the happines to be with them, and so extorted a Martyrdome. For that age was growne so hungry and ravenous of it, that many were baptized onely because they would be burnt. and children taught to vexe and provoke Executioners, that they might be thrown into the fire.

b *Nicephor. l. 11. c. 21. Edissena.*

c *Speculum vinc. To. 4. l. 11. c. 40.*

And this assuredness that men in a full persuasion of doing well would naturally runne to this, made (d) the proconsul in *Africk* proclaime, Is there any more Christians which desire to dy,

d *Bod. Dæmon. l. 4. c. 3. ex Tertulli.* 17 Lawes forbidding more executions made to despite Christians.

and when a whole multitude by generall voice discovered themselves, he bid them[*Goe hang and drown your selves and ease the Magistrate.*] And this naturall disposition, (e) afforded *Mahomet* an argument against the *Jews*, [*if your Religion be so good, why doe you not dy?*] for our primitive Church was so enamored of death, and so satisfied with it, that to vex and torture them more, the Magistrate made lawes to take from them the comfort of dying, and encreased their persecution by ceasing it, for they gloried in their Numbers.

e *Alc. 72. Aq.*

f *Ex Tertul. Bodin. supra*

18 Glory in the numbers of Martyrs.

And as in other warfares men muster and reckon how many they bring into the field, their confidence of victory was in the multitudes of them which were lost. So they admit into the Catalogue *Herods* Infants, and the 11000 Virgins. And (g) when 9000 Souldiers under *Adrian* by apparition of an Angel, are said to have embraced Christian Religion, and when the Emperour sent others to execute them, 1000 of those executioners joyn'd to them and so the whole 10000 were crucified (h). And of an intire legion massacred at once we spoke but now. And *Baronius* (i) speakes of 10000 crucified in *Armenia*, celebrate upon the 22th. of *June*: whether divers from the 10000 under *Adrian* or no, I have not examined. (k) Saint *Gregory* says, [*Let God number our Martyrs, for to us they are more in number then then the sands.*] And (l) *Baronius* saies, That excepting the first of *January*, (which yet in the Roman Mar-

g *Secul. Vin. To. 4. l. 10 c. 88.*

h *Supra. fo. 66.*

i *Baron. Mart. 22. Iune.*

k *Homil. 27. in Evangel.*

l *Martyrolog. cap. 8*

Martyrologe records as many, as moſt other daies) there is no day which hath not 500 Martyres; almoſt every one hath 900, or 800.

SECT. III.

And when the *Church* encreaſed abundantly under all theſe preſſures, (for, As in profane and ſecular wars, the greater the Triumphs of a Conqueror are, the greater alſo are his Armies, becauſe the more and more concur to his ſplendor, and to participate his fortunes; So in this ſpirituall warfare, the greater the triumphant Church was, the greater grew the Militant, aſſiſted both with the Example & Prayers of the other.) And when all theſe treadings downe did but harrow our Saviours field, and prepare and better it for his Harveſt, The bloud of the Martyrs (for though, as I ſay ſtill, very many dyed out of a naturall infirmitie of deſpiſing this life, a great number had their direct marke upon the glory of God, and went to it awake) having, as a (a) *Nicephorus* ſayes, almoſt ſtrangled the Devill, hee tryed by his two greateſt Inſtruments, (when they are his) the Magiſtrate, and the Learned, to avert them from this inclination.

1. That Heretiques ſeeing the dignity gained by Martyrdome, laboured to avert them from it, but could not correct this naturall inclination.

a *Lib. 4. cap. 2.*

For, ſuggeſting to the Magiſtrate that their forwardneſſe to dye, grew only from their faith in the Reſurrection, he (b) procur'd there bodyes to be burnt, and their aſhes ſcattered into

2. The Devill labours the Magiſtrates to quench their deſire of dying

b *Specul. Hiſt. Tom. cap 102. lib. 10.*

Rivers, to frustrate and defeat that expectation; And he raised up subtile Heretiques, to infirme and darken the vertue and majestie of Martyrdome.

Basilides heref. Anno 134. 3. *Basilides* denyed Christ to have been crucifyed, & that therefore they dyed madly.

Of which the most pestilently cunning *Basilides*, fore-suspecting that hee should not easily remove that desire of dying, which Nature had bred, and Custome confirmed in them, tryed to remove that which had root onely in their Religion, as being yet of tenderer growth, and more removable then naturall impressions. Therfore he offered not to impugne their exposing themselves to death in all cases, but onely said, (c) that it was madnesse to dye for Christ, since he, by who e example they did it, was not crucified, but *Symon* who bore the Crosse.

c *Alfon. Castr. verb. Martyr. ex Philast.*

Another (d) Heretique, called *Helcheſar*, perceiving that it was too hasty to condemne the act of Martyrdome even for Christ, thought onely to slacken their desire to it, by teaching, that in time of Persecution, so wee kept our heart at Anchor safe, we were not bound to testifie our Religion by any outward act, much lesse by dying.

d *Prateolus l. 5. ex Niceph. 4. Helcheſar* that outward profession of Religion was not needfull.

5. That also the *Gnostici* taught, and why they prevailed not.

Which Doctrine the *Gnostici* also taught, but prevailed little, both becaus the contrary was rooted in Nature, and becaus they accompanied this doctrine, with many others, foule and odious even to sense; and becaus they were resisted by *Tertullian*, a man mighty, both in his generall abilities, and in his particular and profes-

sed

sed earnestnesse to magnifie Martyrdome: And against these he writ his *Scorpiacum*.

SECT. IIII.

This way giving no advantage to Hereticks, they let loose the bridle of their owne nature too, and apprehended any occasion of dying as forwardly as the Orthodoxall Christians. And because the other prescrib'd against them, and were before hand with them in number, to redeeme time and overtake them, they constituted new occasions of Martyrdome.

1. That Hetiques failing herein, tooke naturall ways, of overtaking the Orthodox in Numbers of Martyrs.

(a) *Petilian* against whom St. *Aug:* writ, taught, that whosoever kill'd himself as a Magistrate, to punish a sinne committed before, was a Martyr.

2. *Petilian* new way of Martyrdom.
a *Alf. Castr. ver. Martyrium*

And they who are by Saint *Augustine*, and others, called *Circumcelliones*, and *Circuitores*, because (I thinke) as their Master, they went about to devoure) would entreate, perswade, enforce others to kill them, and frustrated after all those provocations, would doe it themselves, and by their survivors bee celebrated for Martyrs. These were of the (b) *Donatists*, of whom Saint *Augustine* sayes, To kill themselves out of respect of Martyrdome, was *Ludus Quotidianus*

3. Another new way of the *Circumcelliones* & *Circuitores*.

b *To. 2. Ep. 50.*

Other Hereticks also, whose errors were not about Martyrdome, hastened to it. So the (c) *Cataphrygæ*. who erreniously baptizing the dead, Ordaining Women, Annulling second Marriges, and erring in such points, (d) could soone boast of their number of Martyrs; per-

4. The *Cataphrygæ* exceed in Number.
c *Prateolus.*

d *Baron. Martyr. C. 10.*

chance because *Tertullian* being then on their part, they found him, as he was whersoever he came, a hot encourager of men to Martyrdome. It is complain'd in (e) *Eusebius*, that Heretiques seeing their arguments confuted, fled now to their number of Martyrs, in which they pretended to exceed the others. And from their numbers of Martyres, (f) the *Euphemitæ* called themselves *Martyrians*. And thereupon (g) *Baronius* saies, [*Amongst the heathen, perchance you may heare, and there find one* Empedocles, *which will burne himself, but amongst the Donatists, Hominum examina.*]

e *Hist. l. 5. c. 15*

f *Baron. Martyrol. ca. 10. Ex Epiph. Hær. 80*

g *Schultingius, To. 3. ca. 177. 10. Euphemitæ* therefore called *Martyrians*

SECT. V.

1. Hereupon Councels took it into their care to distinguish true Martyrs, from those who dyed for naturall and humane respects.

So that the authoritie gained by their forwardnesse to equall the number of true Martyrs, was so great, and began so farre to perplex the world, that some Councels foreseeing, that if both sides did it equally, it would all be imputed to humane respects, began to take it into their care to provide against it. And thereupon (a) your Councell exhibites an expresse Canon, That no Christian leaving true Martyrs, should goe to false, *Quia alieni à Deo.* And (b) another corrects the other Heresie of diminishing the reputation of Martyrs thus, *Martyrum dignitatem nemo profanus infamet.*

a *Conc. Laodic. Can. 33.*

b *Conc. Carth. 1. C. 2.*

SECT.

SECT. VI.

Thus when the true Spirit of God drew many, the ſpirit of Contention many, and other naturall infirmities more, to expoſe themſelves eaſily to death, it may well be thought, that from thence the Authors of theſe later Ages, have ſomewhat remitted the intenſneſſe of Martyrdome, and mingled more allayes, or rather more metall, and not made it of ſo great value alone, as thoſe earneſt times did: for ſince (a) Saint *Thomas* ſaid, [*That though Martyrdome be a worke of greateſt perfection, yet it is not of it ſelfe, but as it is wrought by charity, and expreſſes that*]

Vaſquis (b) reprehends *Cordubenſis* for ſaying that it is any worſhip of God: for [*it is not ſayes he, a Sacrifice nor worke of Religion, but of fortitude, which is but a morall vertue*] Therefore it is now (c) taught, [*that it is a mortall ſinne to provoke another to inflict Martyrdome.*] And (d) a Martyr, (though Martyrdome purge much) is bound to cleanſe himſelfe by every one of the Degrees of penance; for ſaith *Carbo*, [*it is not* Sacramentum, *but* opus privilegiatum.] So they ſeeme tender and loth by addition of religious incitements, to cheriſh or further that deſire of dying, to which by reaſon of our weakneſſe, and this worlds encumbrances, our nature is too propenſe and inclined.

Onely the *Ieſuits* boaſt of their hunting out of Mar-

1 Therefore later Authors do ſomewhat remit the Dignity of Martyrdome.

a 2.2.q.124. ar. 3.

b *De Adoratione l.1.N.42.*

c *Navar.Man. c.1.Nu.40.*

d *Carbo. Caſ. Conſ.To.1.p.2.c. 6.*

2 The *Ieſuits* ſtill profeſſe an enormous love to ſuch death.

Martyrdome in the new worlds, and of their rage till they finde it. (e) He which hath brought them all upon one Scene, ſaies that [Alfonſus Caſtro *at his execution in the* Molucca, *was ſo overjoyed that he forgot his modeſty* [Rapimus Martyrium, *ſayes he,* ſpontanea i ruptione,] And [*one would think that it were a diſeaſe in us.*] [*Which we doe, leaſt the reſt of our life ſhould be* Meritis ſterile, & gloria vacuum] [*we bargaine and contract with our profeſſion, upon that Condition, that we may* prodigere animas in hoſtili ferro;] [*And we poſſeſſe no more, then ſuch ſmall matters as onely ſerve to cut off our life.*] So that, if this deſire of dying be not agreeable to the nature of man, but againſt it, yet it ſeemes that it is not againſt the nature of a *Ieſuite.* And ſo we end this Diſtinction, which we purpoſed onely for the conſideration of this deſire of Martyrdome, which ſwallowed up all the other inducements, which, before Chriſtianity contracted them, tickled and inflamed mankinde.

e *Clarus Bonarſicus Amphitheat. Honor. l. 1. c. 4.*

Diſtinction IIII.

SECT. I.

THere remaines onely for the fourth and laſt Diſtinction of this firſt part, our reaſon by which this SELF-HOMICIDE ſeemes to me to eſcape

1 Lawes and cuſtomes of well policed eſtates having admitted it, it is not likely to be againſt law of Nature.

escape the breach of any Law of Nature, which is, that both expresse literall Lawes, and mute Law, custome, hath authorized it, not onely by suffering, and connivency, but by appointing it.

And it hath the countenance not onely of many flourishing and well policed states, but also of Imaginary Common-wealths, which cunning Authors have Idæated, and in which such enormous faults are not like to be admitted. Amongst the *Athenians* condemned men were their own executioners by poyson. And amongst the *Romans* often by bloodlettings. And it is recorded of many places, that all the *Sexagenarii*, were by the lawes of wise States, precipitated frō a bridge. Of which, if (a) *Pierius* his conjecture be true, that this report was occasioned by a custome in *Rome*, by which men of that age were not admitted to surffage; And because the way to the Senate was *per pontem*, they which for age were not permitted to come thither, were called *Depontani*, yet it is more certaine, that (b) amongst the *Ceans* unprofitable old men poysoned themselves; which they did crown with garlands, as triumphers over humane misery. And the (c) *Ethiopians* loved death so well, that their greatest Malefactors being condemned to banishment, escaped it Ordinarily by killing themselves. (d) The civill law, where it appoints no punishment to the delinquent in this case, neither in his estate nor memory, punishes

2 True and Idæated common-wealths have allowed it.

Athenians.

Romans.

Depontum.

a *Hierogliph. l.* 17.

Ceans.

b *Ælianus. l.* 3. *cap.* 26.

c *Diod. Sicul. l.* 2. *bib.* *Æthiopians.*

d *Dig. l.* 48. *tit.* 3. *leg. final.*

3 Civill law and all others, presume it, in condemned men.

a keeper, if his prisoner kill himselfe; out of a prejudice, that if meanes may be afforded them, they will all doe so.

And do not we see it to be the custome of all Nations now, to manacle and disarme condemned men, out of a sore assurance that else they would escape death by death? (e) Sir *Thomas Moore* a man of the most tender and delicate conscience, that the world saw since Saint *Augustine*) not likely to write any thing in jest mischieuously interpretable, sayes, That in *Vtopia*, the Priests and Magistrates did use to exhort men afflicted with incurable diseases, to kill themselves, and that they were obeyed as the interpreters of Gods will; But that they who killed themselves without giving an account of their reasons to them, were cast out unburied. And (f) *Plato* who is usually cited against this opinion, disputes in it, in no severer fashion, nor more peremptory then thus, [*What shall we say of him, which kills his neerest and most deare friend? which deprives himselfe of life, and of the purpose of destiny? And not urged by any Sentence, or Heavy Misfortune, nor extreame shame, but out of a cowardlinesse and weakenesse of a fearfull minde, doth unjustly kill himselfe? What Purgatory, and what burriall by law belongs to him, God himselfe knowes. But let his friends inquire of the Interpreters of the law, and doe as they shall direct*] You see nothing is delivered by him against it, but modestly, limitedly, and perplexedly.

e *Vtop. l. 2. c. de servis.*
4 In *Vtopia* authorised.

5 And by *Plato* in certaine cases.
f *De leg. 9.*

And

And this is all which I will say of the first member of that definition of sinne which I undertooke, which is, transgressing of the Law of Nature. Wherein I make account that I have sufficiently delivered and rescued this *Selfe-homicide*, from any such violating of the Law, as may aggravate the fact, or make it hainous.

6 Conclusion of the first part.

Second Part.

Distinction I:

Of the Law of Reason.

SECT. I.

THat part of the Definition of sin, which wee received for the second place, is, That it be against the Law of Reason; where, if we should accept Reason for *Recta Ratio*, (especially primarily, and originally,) it would be the same as Law of Nature. Therefore I rather choose to admit such an acceptation thereof, as may bring most doubts into disputation, and so into clearenesse.

1. That the law of reason, is, conclusions drawne from primary reason by discourse.

Reason therefore in this place shall signifie conclusions drawne and deduced from the primary Reason, by our discourse and ratiocination: And so sinne against reason, is sinne against such arguments and conclusions, as may by good consequence be derived from primary and originall Reason, which is light of nature.

2. How much strength, Reasons deduced have.

This primary reason therefore, against which none can plead lycense, law, custome, or pardon, hath in us a soveraigne, and masculine force; and by it, through our Discourse, which doth the motherly office of shaping them, and bringing them forth and up, it produces conclusions and resolutions.

SECT. II.

1. Of this sort of Reasons, generall lawes have the greatest authority.

And as in earthly Kingdoms, the Kings children, and theirs, and their race, as farre as we may reasonably presume any tincture of blood, have many priviledges and respects due to them, which yet were forfeited if there appeared any bastardy or interruption of lawfull descent from that roote; And though these respects and obsequiousnesse, belong to them as they are propagated from that roote, and as some sparks of that Soveraignty glimmer in them, yet their Servants and Officers take them where they finde them, and consider them onely as Dukes, or Lords, and possessors of patrimoniall estates, but every mans heart and allegeance is directed and

and fastned upon the Prince, and perchance a step or two lower, with a present and immediate relation to the father, and what they have from him. So whē from those true propositions, which are the eldest children and issue of our light of Nature, and of our discourse, conclusions are produced, those conclusions also have now the Nature of propositions, and beget more; and to all these there belongs an assent and submission on our parts, if none by the way have beene corrupted and bastarded by fallacy. And though (as in the other case) men of a weake disposition, or lazey, or flattering, looke no farther into any of these propositions, then from whose mouth it proceeds, or what authority it hath now, not from whence it was produced, yet upon the heire apparent, which is, every necessary consequence from naturall light, every mans resolution is determin'd, and arrested by it, and submitted to it. And though humane lawes, by which Kingdomes are policed, be not so very neare to this Crown of certaine Truth, and first light, (for if they were necessary consequences from that law of nature, they could not be contrary in divers places and times, as we see lawes to be) yet I doe justly esteeme them neerer, and to have more of that bloud royall in them, then the resolutions of particular men, or of Schooles.

Both becauſe it is of the essence of all humane law, that it agrees with nature, (I meane for the obligation *in interiori foro*, without which a law

2. For that is of there essence that they agree with law of Nature.

hath no more ſtrength, then an uſurper, whom they which obey, watch an oportunity to diſpoſſeſſe.)

3. And there is better teſtimony of their producing, then of private mens opinions

And becauſe Aſſemblies of Pa liaments, and Councels, and Courts, are to be preſumed more diligent for the delivery and obſtetrication of thoſe children of naturall law, and better witneſſe that no falſe nor ſuppoſititious iſſue be admitted, then any one man can be. For (a) the law is therefore well call'd *Communis Reip. ſponſio*, becauſe that word ſignifies as well, that, to which they have all betroth'd themſelves, as, the ſecuritie and ſtipulation which the State gives for every mans direction and aſſurance in all his civill actions. Since therefore we have in the firſt part throughly examined, whether this *Selfe homicide* be alwayes of neceſſitie againſt the law of nature, it deſerves the firſt conſideration in this ſecond part, to inquire how farre humane Lawes have determin'd againſt it, before wee deſcend to the arguments of particular Authors, of whatſoever reverence or authoritie.

a *Dig. l. 1. tit. 3 le. 1. lex eſt.*

SECT. III.

1. Of lawes, the Imperiall law ought firſt to be conſidered.

And becauſe in this diſquiſition, that law hath moſt force and value, which is moſt generall, and there is no law ſo generall, that it deſerves the name of *Jus gentium*; or if there be, (a) it will bee the ſame, (as wee ſaid before) as *Recta Ratio*, and ſo not differ from the law of Nature.

a *Dig. l. 1, T. 1. le. 9. omnes.*

To

To my understanding, the Civill or Imperiall law, having had once the largest extent, and being not abandon'd now, in the reason, and essence, and nature thereof, but onely least the accepting of it should testifie some dependencie upon the Empire, we owe the first place in this consideration to that Law.

2 The reason of that law is not abolished, but our dependency upon it.

This therefore which we call the Civill Law, (for, though properly the Municipall Law of every Nation be her Civill Law, yet *Romes* Emperors esteeming the whole world to be one City, as her Bishops doe esteeme it one Diocesse, the *Romane* Law hath wonne the name of Civill Law, being a (b) decoction and composition of all the Regall Lawes, Decrees of the Senate, *Plebescites*, *Responsa Prudentum*, and Edicts of Emperors, from 1400. yeares before *Justinian*, to so long time after, as the *Easterne* Emperors made them authentique; being of such largenesse, as (c) *Iustinians* part thereof consists of 150000. of those distinctions which he calls verses, and is the summe and marrow of many millions, extracted from 2000. Volumes

3 Why this is called civill Law.

4 Of the vastnes of the books from whence it is concocted, and and of the extent thereof.

b *Iustinian. ep. ad Trebonian.*

c *Iustinian epi. ad DD. de Iur. docend. arte.*

This Law which is so abundant, that (d) almost all the points controverted betweene the *Romane* and the reformed Churches, may be decided and appointed by it. This Law, I say, which both by penalties, and Anathemaes hath wrought upon bodies, fortunes, and consciences, hath pronounced nothing against this *Selfe-homicide*, which we have now in disputation.

d *Wind. Theolog. Iur.*

5 Nothing in this law against our case.

It

6. Of the law of *Adrian.*

d *Dig. lib.* 48. *tit.* 19. *le.* 38. *Si quis aliquid.* § *Qui miles.*

e *Dig. lib.* 49. *tit.* 16. *le.* 6. *Omne delictum.*

It is true that of *Adrian* the Emperor, who was about 120. yeares after Christ, we finde one Rescript, in the body of the Law, [(d) *That if a Souldier do attempt to kill himselfe, and not effect it, except he offred it upon impatience of griefe, or sickn sse, or sorrow, or some other cause,* capite plectatur.] Which Rescript is repeated againe in another (e) Title, and there (though the other generall clause, or some other cause, might seeme to have reach'd farre inough,) are added especially for excusing causes, [*wearinesse of life, madnesse, or shame.*] You see with what moderate gradations this Law proceeded, which being (as it seemes) to contend and wrestle with a thing customary, and naturally affected, extends not at all to punish it when it is done, as in many other crimes the Lawes doe, by confiscation, and by condemning the memory of the delinquent, and ignobling his race.

Nor embraces it all manners of doing it; (yea scarce any, considering how benignly, and favorably penall Lawes are to be interpreted:) Nor overtakes it all men, but onely such as being of present use, as well much disadvantage might grow to the Army, if sodainly any numbers of them should be suffered to turne upon this naturall and easie way of delivering themselves from painfull danger, as much dammage to the State, if those men matriculated for Souldiers, to whom there belong'd by the lawes, as many priviledges and immunities under the *Romane* Emperors, as ever

ver did to the Clergy under their *Romane* Bishops, after they had thus maym'd themselves, and defrauded the State of their service, should by this inhærent character of Souldiership, enjoy all those advantages, which those Lawes afforded them.

There is (h) one law more in the body of the ivill Law, which seemes to reach farther, because it binds not it selfe to any one condition of men; which is, [*That if a man already accus'd, or taken in the manner, for any such crime, upon which his goods should be forfeited upon conviction, kill himselfe before judgement, his goods shall be forfeit*;] else not. For the Law addes her opinion of the fact. [*Non facti celeritas est obnoxia, sed conscientia metus*] And proceeds, [*Qui causam mortis habet, habeat successorem.*] So that that Law presumes there are just causes to worke such an effect. And upon the consideration of this Civill Law, I determin'd to bestow this first Distinction.

h *Dig. l.* 48. *tit.* 21. *le.* 3. *Qui rei.*

7 Of the other law for guilty men.

Distinction II.

SECT. I.

THat which they call the Canon Law is of larger extent then this; for it reaches to bind the Princes themselves, at least by their acceptation and submission to it.

1 Of the Canon Law.

2 The largnes of the subject, and object thereof.

And as the subject of it, is greater, being people and Prince; so is the object, being the next and eternall life. Yea it is so vast and undetermin'd, as we know not in what books to seeke the limits thereof, nor by what rules to set the land-marks of her jurisdiction.

3 Of *Codex Canonum*, or the body of the law in use in the primitive Church.

For, (for the booke,) it is evident that the Primitive Church had *Codicem Canonum*, which was inserted into the body of the *Romane* Law, and had no other subsistence, but as it was incorporated there. Thereupon (a) *Gelatius* writes to *Theodorus* the *Goth*, King of *Italy*, to intreat him, that as by his authoritie the *Romane* Law was observed in Civill matters, so it might be still in Ecclesiastique. And after the expulsion of the *Goths*, (b) *Leo* 4. intreated and obtained the same from *Lotharius*. From this *Codex Canonum*, the Emperors determined and decreed in many Ecclesiastique causes; From this *Codex* the Councels after were governed in making their Canons: as wee may see particular Canons of this Booke cited, the booke being often call'd for in the Councels, and being then ordinarily named, *The body of the Canon Law*. This body consisted of the Canons of nine Councels authorized by the Emperors.

a *Dist.* 10. *certum est.*

b *Dist.* 10. *vestrum.*

4 Of the Additions to this *Codex*.

But for those immense additions growne to it since that time, of Bulls, and Decretall Letters of Popes, Decrees of suspitious and partiall and Schismatick Councels, (for nothing is more properly Schisme, and *Solutio continui*, than a rent betweene the Civill and Ecclesiastique State, which occa-

occasion'd many of the later Councels,) the rags of Fathers decerpted and decocted by *Gratian*, and the glosses of these made also as authentique as the Text. I perceive not what title they have to bee of the body of the Canon Law, except where the Princes have incorporated and denizen'd them.

But least to quarrell with their authority now, might seeme in us a subter-fuge and shift to decline them, as though they were heavy against us, in this point which we have now in hand; wee will accept them as they are obtruded, and dissemble nothing, which in them seemes to resist this opinion, though in common entendment this law is likely to be severe against it, because the civill lawes content themselves ever with any excuse or colour in favour of the Delinquents, because when a fault is proved it punishes severely, but (c) the Canon Lawes which punish onely medicinally, and for the soules health, are apt to presume or beleeve a guiltinesse, upon light evidence, because those punishments ever worke good effects, whether just or no.

5 Canon law apter to condemne then Civill, and why.

c *Paleotus de notbis c.* 19.

SECT. II.

And first because heresie which is *laesa Majestas Divina*, of all crimes is the principall object of that Court, I say, that this proposition, is not by any thing extant in the Canon law, (and therefore not at all) hereticall, allowing to them their

1 That this proposition is not hereticall.

largeſt definition of hereſie; which is, (a)[*Any thing which is againſt Catholique faith, that is Scriptures rightly unaerſtood; Or the traditions and definitions of the Church, or generall Councells lawfully gathered, or definition of the ſea Apoſtoliqve, or the common opinion of Fathers, in a matter of faith.*] The propoſition may perchance ſeeme to ſome ſo ill qualified, as it may be *male ſonans*, or *temeraria*, or perchance *ſapiens hereſis*, for all theſe proceed from the indiſpoſition and diſtempred taſte of the apprehendor, which muſt not alwaies be idly flattred and pampred, but invited to the ſearch and diſcovery of truth, who elſe being the greateſt Prince in the world, ſhould have no progreſſe, but be ſtraightned in a wretched corner. Firſt therefore, (to caſt a glance upon every part of the definition of hereſie) whether it be againſt the Scriptures rightly underſtood or no will be more properly and naturally examined, when we come to the laſt part, which is of Divine law.

a *Simancha Enchirid. Iud: tit.* 24. *nu.* 2. 2 A large definition of hereſie.

Next, there is no tradition nor definition of the Church in the point at all, much leſſe as of a matter of faith, which is the ſecond limbe of the definition.

3 No definition of the Church in the point.

No decree of any generall Councell. No reſcript or Bull of any Pope. And for the common opinion of the Fathers (beſides that it can be no ſafe rule, becauſe (b) as [*Azorius notes, Controverters often ſay on both ſides this is the common opinion; And certainely that is the common opi-*

4 Nor Canon
5 Nor Bull.
b *Moral. Inſtit. to.* 1. *l.* 2. *c.* 13.
6 Of the common opinion of Fathers, how it varies in times and places.

nion

nion in one Age which is not in another; yea, in one Kingdome at the same time, which is not in another, though both be Catholik: As in Germany *and* France, *by the common opinion* Latreia *is not due to the Crosse, in* Spaine *by the common opinion it is,*] it cannot appeare, by the Canon law, that this is the common opinion of the Fathers; for (c) *Gratian* who onely of the Compilers of the Canon law toucheth the point, (as farre as either my reading or search hath spied out) cites but two Fathers, *Augustine*, and *Hierome*. Whereof the latter is of opinion, that there may be some cause to do it. But in the Canon law I finde no words, not onely to lay the infamous name of heresie upon it, but that affects it with the mark or stile of sinne, or condemnes the fact, by inflicting any punishment upon the offender.

c 23. q. 5. 7 *Gratian* cites but two fathers, one of which is of our side.

I speake here of the Canon law, to which the Canonist will stand: which are the Decretall letters, and all the extravagants. For, of *Grattans Decret.* that learned and ingenious Bishop of *Tarracon*, hath taught us what we should thinke, when he sayes, [(d) *That he is scarce worth so much reprehension; who having nothing that is profitable or of use, except he borrows it, is admired of the ignorant, and laughed at of the learned,*] (e) [*who never saw the bookes of the Councells, nor the works of the Fathers, nor the Registers of the Popes letters.*] f) *And whose compilation had not that confirmation from* Eugenius 3, *as is fasly attributed to it.*] Yet although *Gratian* have not so much authority, that

8 Of that part of the Canon Law, to which Canonists will stand.

d *Ante. Augustin. de emendat. Gratian. l.* 1. *dial.* 1. *de titulo.*
9 A Cathol. Bishops censure of *Gratians* Decret.
e *Idem dial.* 4.
f *Idem dial.* 3.

by his inferting an imperiall law, or fragment of a Father, it ſhould therefore be canoniz'd and grow into the body, and ſtrength of the Canon law, (for then though that law were abrogated againe by the Emperour, it ſhould ſtill be alive and bin e by a ſtronger obligation in the Canon, which (g) *Alb. Gentilis* proves to be againſt the common opinion.) yet by conſent, thus much is afforded him, that places cited by him, have as much authority in him, as they had in the Author from whom he tooke them And therefore when we come to handle the Reaſons of particular Authors, we will pretermit none whom *Gratian* hath cited, for that is their proper place.

g *De libris juris Canon. c. 2.*

SECT. III.

1 What any Councels have done in this point.

And in this Diſtinction where we handle the opinion of the Canon Law in the point (not becauſe *Gratian* cites it, but becauſe the Canons of all Councels are now uſurped as Canon Law) we will conſider (a) a Canon of the *Brascarenſe* Councell cited by him.

a 23. q. 5. placuit.

But firſt, (although he have it not) wee will not conceale the (b) *Antiſidorenſe* Councel, (which was before the other, under *Gregor.* 1. *Anno* 590.) For as the Civill Lawes by limitation of perſons and cauſes, gave ſome reſtraint and correction to this naturall deſire of dying when we would, which they did out of a duty to ſinew and ſtrengthen, as much as they were able

b *Concil. Antiſidor ſub Greg.* 1. *An.* 590.

able, the Doctrine of our blessed Saviour, who having determined all bloudy sacrifices; enlightens us to another Doctrine, that to endure the miseries & afflictions of this life, was wholsome, and advantagious to us; the Councels also perceiving that this first ingraffed and inborne desire, needed all restraints, contributed their help.

Ths (c) Canon then hath these words, [*If any kill themselves, Iſlorum oblata non recipiantur.*] For it seemes, that Preaching and Catechizing had wrastled, and fought with their naturall appetite, and tamed them to a perplexity whether it might be done or no; and so thinking to make sure worke, in an indiscreet devotion, they gave oblations to the Church, to expiate the fault, if any were. These oblations the Councell forbids to bee accepted, not decreeing any thing of the point, as of matter of faith, but providing against an inconvenient practice.

c *Canon.* 17. 3 The Councel of *Antisid.* onely refused their oblations

Neither was it much obligatory, or considerable, what it had decreed, being onely (d) a Dioceſan Councell, of one Bishoppe, and his Abbats, and whose Canons *Binnius* presents, because (though some of them be out of use, of which this may be one) yet they are (saies he) some discoverers of Antiquity.

3 This was but a Dioceſan Councell. d *Notæ Binnij in Conc. Antiſ. To. 2. fi. 955.*

The other Councell which (e) *Gratian* cites and besides which two I finde none) hath these words, [*For those that kill themselves, there shall be no commemoration at the oblation, nor shall they bee brought to buriall with Psalmes.*] which intimates,

e 23. q. 5. *placuit.* 4 The *Braccar* Councel inflicts two punishments.

as

as the language of the Canon Law is, *Caninam sepulturam.*

f 24. q. 2. *Sane quid.*

5 The first, not praying for them, is of them who did it when they were excommunicate.

But the (f) glosse upon this doth evict from another Canon, that if the person were not under excommunication, it is not so; [*For we may communicate with him dead, with whom we may communicate living.*] Which showes that his act of dying so, put him not into worse state in this respect. This answers the first punishment inflicted by that Canon. And for the second which is deniall of Christian buriall, it is very rigorous to conclude a hainousnesse of the fact, from that, since the (g) true Canon Law denyes that to men slaine at Tilt, though it afford them, if they be not presently dead, all the Sacraments applyable in that extreamitie, as Penance, Eucharist, and Unction.

g *Decret. l. 5. tit. 13. de torneamentis.*

6 The second, which is deniall of buriall, is not alwayes inflicted for offences; as appears in an interdict locall.

h 13. q. 2. *anim.*

So that, though since it denies buriall to men whom they esteeme in state and way of salvation, the Glosse here collects reasonably, [*That this punishment reaches not to the dead, but onely to deterre the living*;] referring to this purpose an h) Epistle of *Gregory*, saying, [*So much as a sumptuous funerall profits a wicked man, so much a base, or none at all hurts a godly.*]

i *Li. 3. tit. 7. de sepulchris. Eos qui.*

Lastly, that (i) *Clementine* which reckons up many causes for which Christian buriall is denyed, amongst which one is a locall interdict, at what time the holyest man which dyes in that place cannot bee buried, which sometimes extends to whole Kingdomes, instructs us sufficiently

ently, that one may be subject to that punishment, (if it be any in that Law) and yet not guilty of such a crime as this is reputed to be.

And (k) the *Romans* in their Religious Discipline, refused solemne buriall, to any which perished by lightnings, (l) though they buried offenders in the towne, as they did Vestals and Emperours; because as their Dedication to God had delivered the Nunnes, and Soveraigntie the Emperours from bondage of Law; so did Justice, to which they had made full satisfaction deliver offenders punished. And since both Saint *Hierome*, and the *Bracarense* Councell, inflict the same punishments upon those *Catechumeni*, who although they had all other preparations, and degrees of maturity in the Christian Faith, yet departed out of this world without Baptisme, as they doe upon *Selfe murtherers*, and so made them equall in punishment, and consequently in guiltinesse; I thinke it will ill become the Doctrines of our times, and the *Analogy* thereof, to pronounce so desperately of either of their damnations. *Sert. Senen. lib. 6. Annot. 7. p. 311.*

k *Sylv. ad leg. Reg. c.* 11.

l *P. Manut. de leg. Rom.* 7 *Romans* buried such offenders as had satisfied the Law within the towne, as Vestals, and Emperors.

And here wee end our second Distinction of this second Part, which was allotted for the examination of the Canon Law.

Distinction III.

SECT. I.

1 Of the laws of particular Nations.

OF Arguments of this Nature, which are concluſions deduced out of reaſon and diſcourſe, next to theſe generall Lawes of the Empire, and of the Church, (which though it might ſeeme for the generality thereof, to have deſerved the firſt place, we handled in the ſecond roome, becauſe the power thereof hath beene ever litigious and queſtionable,) I may juſtly ranke the Lawes of particular ſtates.

2 Of our law of *Felo de ſe*. *Br act. f.* 150. a.

By our Law therefore, as it hath not beene long in practiſe, (for (a) *Bracton* ſeemes not to know ſuch a Law, when allowing an intire chapter to that title, he onely repeats the words in that Emperiall Law, which I cited before, and ſo admitts, (if he admit that Law, that exception, *Sine juſta cauſa*) he which kills himſelfe is reputed *felo de ſe*; and whether he be chargeable with any offence or no, he forfeits his goods; which devolving to the Kings Almoner, ſhould on the Kings behalfe be employed in pious and charitable uſes.

b *Flowd. Com. Hales* his caſe. 3 That this is murder in our law; And the reaſons which entitle the King.

And (b) it is not onely Homicide, but Murder, And yet the reaſons alledged there, are but theſe, That the King hath loſt a Subject, that his Peace is broken, and that it is of evill example.

Since

Since therefore, to my understanding, it hath no foundation in Naturall nor Emperiall Law, nor receives much strength from those reasons, but having by custome onely put on the nature of law, as most of our law hath, I beleeve it was first induced amongst us, because we exceeded in that naturall desire of dying so. For it is not a better understanding of nature, which hath reduced us from it; But the wisedome of Law-makers and observers of things fit for the institution and conservation of states.

4 Our naturall desire to such dying, probably induced this law.

For in ancient Common-wealths, the numbers of slaves were infinite, as ever both (c) in *Rome* and *Athens*, there were 10 slaves for one Citizen; and (d) *Pliny* sayes that in *Augustus* time, *Isidorus* had above 4000. And (e) *Vedius Pollio* so many, that he alwayes fed his fish in ponds with their blood; and since servitude hath worne out, yet the number of wretched men exceeds the happy (for every labourer is miserable and beastlike in respect of the idle abounding men;) It was therefore thought necessary by lawes, and by opinion of Religion, (as (f) *Scævola* is alleaged to have said, *Expetit in Religione Civitates falli*,) to take from these weary and macerated wretches, their ordinary and open escape, and ease, voluntary death.

5 As in States abounding with slaves, the Law-makers quenched this desire.

c *Bodin Rep. l. 1. c. 2. & l. 6. c. 1.*

d *l. 33. c. 10.*

e *Sebast. Med. de Venat. Pisc. et aucup. q. 41.*

f *Aug. de Civi. Dei l. 4. c. 27.*

6 Least it should draw too fast, as Hunting and Usury are; and as wine by *Mahom.*

And therfore it seemes to be so prohibited, as a (g) Lawyer sayes, hunting and usery is, [*Ne inescarentur homines*] and as (h) *Mahomet* to withdraw his Nation from wine, brought them

g *Pruckman. de Venat. Pisc. & Aucup. c. 4.*

h *Pompon. de Incantat. c. 10.*

to a religious beliefe, that in every grape there was a Devill.

7 And as severe lawes against stealing

As therefore amongst us a naturall disease of stealing, (for as all other, so this vice may as well abound in a Nation as in a particular man, and (i) *Dorotheus* relates as large the sickenesse of one of his fryars, who could not abstaine from stealing, though he had no use of that which he stole) hath drawn from a (k) Councell holden at *London* under *Hen.* 3. a Canon which excommunicates the Harbourers of Theeves; *quibus abundat Regio Angliæ*, and mentions no other fault but this, and from the Customs, and Princes, and Parliaments severe Lawes against theft, then are justifiable by Nature, or the Iewes Judiciall Law, (for our Law hangs a man for stealing in extreame necessity, when not onely all things, to him, returne to their first community, but he is bound in conscience to steale, and were, in some opinions, (though others say he might neglect this priviledge) a *Selfe-murderer* if he stole not.

i *B. Dorotheus doct.* 11.

k *Binnius to* 3. *par.* 2. *f.* 1176. *An.* 1237.

8 When a man is bound to steale.

9 *Scotus* opinion of day theeves.

And (l) *Scotus* disputing against the Lawes of those Nations, which admit the death of a theife robbing by day, because (m) whoever kills such a theife, is expresly by Gods Law a murderer, ask where have you read an exception of such a theife from the Law, *Non occides*, or where have you seene a Bull fallen from Heaven to justifie such executions? So it may be, a naturall declination in our people to such a manner of death,

l 4. *Dist.* 15. *q.* 3.

m *Exod.* 22. 3.

death, which weakned the ſtate, might occaſion ſeverer Lawes, then the common ground of all Lawes ſeemes well to beare.

And therefore, as when the Emperour had made a Law, to cut off a common abuſe of miſdevout men, that no man might give any thing to the Clergy, no not by Teſtament, Saint *Hierome* ſaid, I lament and grieve, but not that ſuch a Law is made, but that our manners have deſerved ſuch a Law, ſo doe I in contemplation of theſe Lawes mourne, that the infirmity and ſickneſſe of our Nation ſhould neede ſuch Medecines.

The like muſt be ſaid of the like Law in the Earldome of *Flaunders*; If it be true, (n) That they allow confiſcation of goods, in onely five caſes, whereof this is one; and ſo it is rankt with Treaſon, Hereſie, Sedition, and forſaking the Army againſt the Turk, which be ſtrong and urgent circumſtances to reduce men from this deſire.

n *Tholoſa. Syn. l. 36. c. 22. nu. 13. ex Buteler. in ſumma rurali.*

10 Of ſuch a law in *Flaunders.*

SECT. II.

For whereſoever you finde many and ſevere Lawes againſt an offence it is not ſafe from thence to conclude an extreame enormity or hainouſneſſe in the fault, but a propenſneſſe of that people, at that time, to that fault. Thereupon (a) *Ignatius* and many others, even intire Councells, were forced to pronounce, that whoſoever

1 Severe lawes are arguments of the peoples inclination, not of the hainouſneſſe of the fault.

a *Epiſt. ad Philip.*

2 Sunday fast extremly condemned thereupon.
3 So Duells in *France*.
4 So Bull-baitings in *Spain*.

soever fasted upon Sundayes were Murderers of Christ.

So in *France* the Lawes abound against Duells, to which they are headlongly apt.

So are the resolutions of the Spanish Casuists, and the Bulls of the Popes, iterated and aggravated in that Nation, against there Bull-bayting, to which they are so enormously addicted, which yet of it selfe is no sinne, as *Navar* retracting his opinion after 70 yeares holds at last.

Navar. Manu. li. 15. nu. 18.

5 Gentle laws diminish not the nature of rape, nor witchcraft.

b *Cap. 67.*

c *H. de his qui not. infam. l. 2. 6. 1. nu. 2.*
6 Publique benefit is the rule of extending or restraining all lawes by *Bartol.*
7 If other Nations concur in like lawes, it shews their inclination to be generall.

These severe lawes therefore do no more aggravate a fault, then milde punish nents diminish it. And no man thinks Rape a small fault, though *Solon* punish it, if she be a Virgin, and freeborn, with so much money as would amount to our five shillings: and the (b) *Salique* law punishes a witch, which is convict to have eaten a man, pecuniarily, and at no high price. And therefore (c) *Bartolus* allowes that in cases of publique profit or detriment, the Judges may extend an odious and burdenous law beyond the letter, and restraine a favourable and beneficiall law, within it, though this be against the Nature and common practise of both these lawes.

It therefore our, and the Flemish law be severe in punishing it, and that this argument have the more strength, because more Nations concurre in such lawes, it may well from hence be retorted, that every where men are inclinable to

to it: which establisheth much our opinion, considering that none of those lawes, which prescribe Civill restraints from doing it, can make it sinne; and the act is not much descredited, if it be but therefore evill, because it is so forbidden, and binds the conscience no farther, but under the generall precept of obedience to the law, or to the forfeiture.

SECT. III.

It seemes also by the practise of the *Jewes*, (for (a) *Josephus* speaks of it as of a thing in use) that they did not bury such as killed themselves, till the Sunne set. But though I know not upon what Law of theirs they grounded this, and I finde not by writers of either of their Policies since their dispersion, (for though they have no Magistracie, but bee under the Lawes of those places into which they are admitted, in all cases except where they be exempted by priviledg, yet they doe also testifie a particular detestation of some sins by *outward penances* among themselves, (b) as in theft, they binde, and whip, and enjoyne to publike confession, and in Adultery the offender sits a day in Winter in freezing water, and in Sommer upon an Anthill, or amongst hives of Bees naked, though, I say, I finde not by *Galatine*, *Sigonius*, *Buxdorfius*, nor *Mol. ther*, that this was or is in use amongst them, yet because *Josephus*, though but Oratorily sayes it, we

1 The custom of the *Iewes*, and the law of the *Athenians* evict nothing. a *De bello Jud. l. 3. c. 13.*

b *Buxdor. Syn. Iudaïs c. 34.*

we will accept it; and beleeve that it was upon the reason common almost to all Nations to deterre men from doing it, and not to punish it being done. And of like use, that is, *in terrorem*, was also that Law of the *Athenians*, who cut off that hand after death which perpetrated that fact; which Law *Josephus* remembers in the same place.

SECT. IIII.

That reason which is grounded upon the Edict of *Tarquinius Priscus*, (a) who when this desire of Death raigned amongst his men like a contagion, cured it by an opprobrious hanging up their bodies, and exposing them to birds and beasts. And (b) upon that way of reducing the Virgins of *Milesium*, who when they had a want, not esse of dying so, and did it for fashion, were by Decree dishonourably exhibited as a spectacle to the people naked, prevailes no farther then the argument before, and proves onely a watchfull solicitude in every State, by all meanes to avert men from this naturall love of ease, by which their strength in numbers would have been very much empaired. And thus wee determine this Distinction.

1 The reason drawne from remedies against it, proves no more.

a *Pliny. li. 36. cap. 13.*

b *A. Gellius li. 15. c. 10.*

SECT.

Distinct. IV.

WEe will now descend to those reasons which particular men have used for the detestation of this action. And first we will pay our debt to *Gratian*, in considering the places cited by him, and after, the other reasons of Divine Authors, if they bee not grounded upon places of Scriptures, which we repose for the last part, shall have there ventilation in this Distinction.

1. Of reasons used by particular men, being Divines.

SECT. I.

The (a) first place then, is in an Epistle of Saint *Augustine* to *Donatus* thē Heretique; who having beene apprehended by the Catholikes, fell from his Horse, and would have drown'd himselfe: and after complaines of violence used towards him, in matter of Religion, wherein he claimes the freedome of Election, and conscience. Saint *Augustine* answers, wee have power to endeavour to save thy soule against thy will, as it was lawfull to us, to save thy body so. If thou wert constrained to doe evill, yet thou oughtest not to kill thy selfe. Consider whether in the Scriptures, thou finde any of the faithfull that did so, when they suffered much

1. Of S. *Augustine* and his Argument. a 23. q. 5. *Duplicet.*

from them, who would have forced them to do things to their ſoules deſtruction.

2 Of St. *Aug.* comparatively with other Fathers.

To ſpeake a little of Saint *Auguſtine* in generall, becauſe from him are derived almoſt all the reaſons of others, he writing purpoſely thereof, from the 17 to the 27 Chapter of his firſt book *De Civitate Dei*, I ſay, as the Confeſſaries of theſe times, comparing *Navar* and *Sotus*, two of the greateſt *Caſuiſts*, yeeld ſometimes that *Navar*, is the founder and learneder, but *Sotus* more uſefull and applyable to practique Divinitie; So, though Saint *Auguſtine* for ſharpe inſight, and concluſive judgement, in expoſition of places of Scripture, which he alwaies makes ſo liquid, and pervious, that he hath ſcarce been equalled therein, by any of all the Writers in the Church of God, except *Calvin* may have that honour, whom (where it concernes not points in Controverſie,) I ſee the *Jeſuits* themſelves often follow, though they dare not name him, have a high degree and reverence due to him, yet in practique learning, and morall Divinity, he was of ſo nice, and refin'd, and rigorous a conſcience, (perchance to redeeme his former licenciouſneſſe, as it fals out often in ſuch Convertirs, to be extreamely zealous) that for our direction in actions of this life, Saint *Hierome*, and ſome others, may bee thought ſometimes fitter to adhere unto, then St. *Auguſtine*; Yet I ſay not this, as though wee needed this medicament for this place.

3. Compariſon of *Navar* and *Sotus*.

4 Jeſuiſts often beholden to *Calvin* for expoſitions..

For

For I agree with Saint *Augustine* here, That neither to avoid occasion of sinne, nor for any other cause, wherein my selfe am meerely or principally interessed, I may doe this act; which also serves justly for answer to the same zealous Father in the other place, (b) cited by *Gratian*; for with him I confesse, [*That he which kills himselfe, is so much the more guilty herein, as hee was guiltlesse of that fact for which hee killed himselfe.*]

5. In this place we differ not from St. *Aug.*

6. Nor in the second. b 22. q. 5. *Si non.*

Though, by the way, this may not passe so generally, but that it must admit the exception, which the (c) Rule of Law upon which it is grounded, carries with it, [*Nemo sine culpa puniendus, nisi subsit causa*] And so, as Saint *Augustine*, we, with as much earnestnesse, say, [*Hoc asserimus, hoc dicimus, hoc omnibus modis approbamus. That neither to avoid temporall trouble, nor to remove from others occasion of sinne, nor to punish our owne past sinnes nor to prevent future, nor in a desire of the next life,* (where these considerations are only, or principally) *it can be lawfull for any man to kill himselfe.*] But neither Saint *Augustine* nor we deny, but that if there be cases, wherein the party is dis-interested, and only or primarily the glory of God is respected and advanced, it may be lawfull.

7. That then may be *Causa puniendi sine culpâ.* c *Reg. jur.* 61.

So that, as *Valens* the Emperour, having surprised *Famblicus*, when his divining cock had described three letters of his name who should succeede, slew all whose names were *Theodorus*, *Theodotes*,

8 As *Valens* missed *Theodosius*; So did *Augustine* pretermit the right cause.

Theodotes, or *Theodulus*, but escaped *Theodosius* who fulfilled the Prophecy, So Saint *Augustine* hath condemned those causes which we defend not, but hath omitted those wherein it is justifiable.

9 Of *Corduhensis* rule, how we must do in perplexities; d *Ant. Cordub. de simonia q. 27. Editione. Hispan.*

In which case being hard to be discern'd and distinguished from others arising from humane infirmity, if that rule which d, *Antonius de Corduba*, gives in cases of simony, be as he sayes it is, a good guide in all perplexities, it will ease very much.

10 How temporall reward may be taken for spirituall office.

He sayes, because in the case of simony, many difficulties grow, because not onely by cleare and common judgements, temporall reward may be taken for spirituall offices, by way of gift, stipend, wages, almes, sustenation, or fulfilling the law or custome of that place, but also by some Doctors, even by way of price, and bargaine, if not directly for the spirituall part thereof, yet for the labour necessarily annexed to it, because every Curate cannot distinguish in these cures, he bids him [*ever doe it, with an intention to doe it so, as God knowes it may de done, and as wise men know and would teach that it might be done: For thus saith he, humbly remitting our selves to the learned, which are our fathers instruction, what ever defect be in us, yet* Saluamur in fide parentum] And in this sort (e) *Pindarus* making an implicite prayer to God, that he would give him that which he knew to be best for him, died in that very petition.

Hesychius vitæ philosophorum.

11 Of *Pindarus* death praying for he knew not what.

Except

Except therefore (f) Saint *Auguſtine* have that moderation in his reſolution; That a better life never receives a man after a death whereof himſelfe was guilty, we will be as bou'd with him, as (g) one who is more obliged to him then we, who repeating *Auguſtines* opinion, That the Devill could poſſeſſe no body, except he entred into him by ſinne, rejects the opinions, and ſaies, The holy Father ſpeaks not, of what muſt of neceſſity be, but what for the moſt part uſes to bee.

f *Vbi ſupra.*

12 In our place we depart from St. *Aug.* upon the ſame reaſon as the Jeſuit *Thyræus* doth.

g *Thyræ. Jeſui. de Dæmoniacis c. 31. nu. 428.*

SECT. II.

And in our caſe we ought (as I thinke rather to follow (a) Saint *Hieromes* temper, who in his expoſition upon *Jonas*, (which I wonder why *Gratian* cited being ſo farre from his end and advantage) ſayes, [*In perſecution I may not kill myſelfe*, abſque eo, ubi caſtitas periclitatur] where I am ſo farre from agreeing with (b) *Gratian*, that [Abſque eo, *is incluſively ſpoken, and amounts to this phraſe, no not though*] as I thinke that good learned father, included in that word *Caſtitas*, all purity of Religion and manners; for to a man ſo rectified death comes ever, and every way ſeaſonably and welcome. For [(c) *qualem mors invenit hominem, ita homo invenit mortem.*]

1 The place out of S. *Hierome* cited by *Gratian.* a 23. q. 5. Non eſt,

b *Gloſſ. in locum ſupra.*

c *Idiotæ Contemplatio de morte.*

SECT. III.

1 *Lavater* confesses *Aug. Hie. Cry.* and *Lactan.* to be of this opinion.
a *Lavater in* 1 Sam. *Caulti.*

From this place of Saint *Hierome*, I beleeve, and some other, which perchance I have not read, and some other places in others, of like charitable discent to this opinion. (a) *Lavater* having made his profit of all *Peters Martyrs* reasons almost against this act, and adding some of his owne, when they both handle the duties of *Saul*, confesseth that in this case of preserving Chastity, *Augustine*, *Chrysostome*, and *Lactantius*, and *Hierome* departed from their opinion who condemned this Act.

SECT. IIII.

1 Of *P. Mar.* reason *Mors malum.*

Peter Martyr also presents one other reason, of which he seemes glad, and well contented in it, which is, That we may not hasten death, because *Mors malum.*

2 *Stromat. l. 4.*
2 *Clement.* hath long since destroyed that opinion.

But it is not worthy of his gravity, especially so long after (a) *Clemens Alex.* had so throughly defeated that opinion.

3 Of *Malum pœnæ.*
b *Aqui.* 1. q. 48. ar. 6. Con.
c Jo. 9. 3.

But if it be *Malum*, it is but *Malum pœnæ.* And that is an evill of which God is Author, and is not that (b) *Malum quo malè sumus*; neither doth it alwayes prove the patient to be evill, (though God for all that be alwaies iust,) for himselfe said of the man borne blinde (c) [*Neither he, nor his parents have sinned.*]

And

And of that *Malum pœnæ*, which is esteemed the greatest in this life, of temporall afflictions, because of the neere danger of empairing our soule, which is to be possessed, (d) *Thyræus*, from Saint *Hierome* and *Chrysostome* sayes, that it is not alwayes inflicted for sinne, but to manifest the glory of God.

And therefore the greatest evill which can be imagined, of this kinde of evill, which is [(e) *Damnation, hath not so much* Rationem mali, *as the least sinne that drawes Damnation.*]

Death therefore is an act of Gods justice, and when he is pleased to inflict it, he may chuse his Officer, and constitute my selfe as well as any other.

And if it were of the worst sort of evill, yet as (f) Saint *Augustine* sayes that [*in the Act of Marriage, there is* Bonus usus mali, id est concupiscentiæ, quo malo male uruntur adulteri.] And as good *Paulinus* prayses *Severus*, that (g) [*he having* in Conjugio peccandi licentiam, *departed not from his accustomed austerity,*] so may the same be said of death in some cases, as in Martyrdome.

For though *Martyr* urge farther, that death is called (h) Gods enemy, and is therefore evil, yea (i) *Musculus* sayes upon that place, [*It is often commended in Scriptures, because towards the faithfull God useth it to good ends, and makes it* cooperari ad salutem.] And by what authority can they so assuredly pronounce that it falls out never

4 Possessed men are not alwaies so afflicted for sin.
d *Thyræus de Dæmon. c.* 31.

e *Aqui. 1. q. 48. ar. 6. Con.*

5 Damnation hath not so much *rationem mali* as the least sin.

6 If death were of the sorts of evill, yet there may be good use of it.
f *Aug. de bono Conjugii.*
g *Paulin. Severo epist. 1.*

7 How *Paul* calls Death Gods enemy.
h *1 Cor. 15. 20.*
i *Marlorat. in hunc locum.*

never in our case? Besides this, death hath lost much of her naturall malignity already, and is not now so ill, as at first she was naturally; for as (k) *Calvin* notes here, [*she is already so destroyed, that she is not* lethalis, *but* molesta.]

8 Death since Christ is not so evill as before.
k *Calvin in hunc locum.*

SECT. V.

One reason more *Martyr* offers of his owne which is, *Vita Donum*, life, because it is the gift of God may not be profused; but when we have agreed to him, that it may not be unthriftily and prodigally cast away, how will he conclude from thence, such an ingratitude, as that I shall forsake Gods glory? and may in no case *ponere animam*? How will it follow from I must not alwaies, to I may never?

1 Of *Martyrs* reason, *Vita donum.*

SECT. VI.

Lavater after many other urges this reason; That because Judges are established, therefore no man should take Dominion over himselfe.

But in the Church of *England*, where auricular confession is not under precept, nor much in practise, (for that we admit it not at all, or refuse it so as the *Waldenses* did, though (a) a reverend man say it, is more then I knew) who is judge of sin against which no civill law provides, or of which there is no evidence? May not I accuse and condemne my selfe to my selfe, and inflict

1 Of *Lavaters* reason of Judges.
2 Where confession is not in use, there is no exterior Judge of secret sinne.
a *Humfred. Iesui. p. 2. ad Ratio. 3. Cam.*

inflict what penance I will for punishing the past, and avoiding like occasion of sinne?

Upon this reason depends that perplexed case, whether the Pope may not give himselfe absolution from Acts and Vowes, and partake his owne indulgences, although by the best opinion it is agreed, that to do so is an act of jurisdiction, which by *Lavaters* rule, no man may exercise upon himselfe.

3 Of the Popes jurisdiction over himselfe.

(b) The Emperiall lawes forbid in a generality any to be judge in his owne cause, but all Expositors, except Soveraignes. And in ordinary Judges, all agree with (c) *Balaus* [*That in facto notorio if the dignity of the Iudge be concerned, he is the proper Iudge of it. And he sayes that it belongs to the Pretor to judge, whether such a cause belong to his judgement, or no.*] (d) And with a *Non obstante* even upon Naturall law, as the words of the privilege are, *Theodorius* allowed Bishops to be Judges in their owne cause. (e) So [*if a sonne which had not beene* Sui juris *had beene made Consul, he might have emancipated himselfe, or authorized another to have adopted him.*]

4 Of such jurisdiction in other persons by civill lawes.
b *Cod. l. 3. tit. 5. le. Generali.*
c *Bald. F. le. 5. de. judiciis.*
d *Filesacus de Episc. autorit. Ca. 1. §. 17.*

e *Dig. l. 1. tit. 7. le. 3. si Cons.*

And besides that, it appeares, that the Popes have exercised jurisdiction upon themselves, even before they were Popes, (for (f) *John 22* having permission to chuse one Pope, chose himselfe, which deed *Naucler* relates and justifies) by Canonicall rules it is plaine, that no man may exercise jurisdiction upon himselfe in any case where there is not a distinction of persons

5 *Joh. 22.* elected himselfe Pope.
f *Volat. 2. Genera. 44.*

enjoyned *Iure Divino*, as in Baptiſme: which will not be ſtretched to our caſe.

6. Juriſdiction over our ſelves is denyed us, becauſe we are preſumed favourable to our ſelves; Not in caſes hurtfull to our ſelves.

And certainly the reaſon of the Law, why none ſhould be judge in his owne cauſe, is, becauſe every one is preſumed favourable towards himſelfe. And therefore if it be diſpenſable in ſome caſes beneficiall to a man, much more may it be in caſes of inflicting puniſhment, in which none is imagined to be over-rigorous to himſelfe.

g *Heurnius de Philoſ. Barbar.*

And if man were by nature as ſlaviſh, as the [(g) *Eſſeni* by profeſſion and rule, who had power of themſelves in nothing, but *juvando & miſerenda*] I ſee not, but when this becomes an act of advantage to our ſelves, we may have juriſdiction enough to doe it.

7. Even in caſes hurtfull, we have ſuch juriſdiction.

And what is more evident to prove, that in ſome caſes derogatory and prejudiciall to us, we have this right over our ſelves, then that every man may *cedere ſuo jure*, And *Non uti privilegio*.

h *Theod. a Niee. l. 3. c. 3. & 23.*

8. *Gregories* oath in the great Sciſme.

And (h) it was by all condemned in *Gregorie*, in the great Sciſme, that after hee had promiſed to depart from the Papacie, by oath, in which was a clauſe, that he ſhould neither aske, give, nor accept abſolution from that oath, hee induced his Mendicants to preach, that it were deadly ſinne in him to de-relinquiſh the Church. So alſo have many Kings departed from their Government, and deſpoiled them of their burden, at their pleaſure. For, as (i) one ſayes,

i *Schluſſelburgius. Catul. Hereticor. l. 13.*

of

of the whole Church, it may bee ſaid of every particular member; it was ever in Politicall bondage, but not in Spirituall.

So that, if there bee caſes, wherein one may aſſuredly, or probaly, after juſt diligence uſed, conclude upon an illumination of the Spirit of God, or upon a ceaſing of the reaſon of the Law at that time in him, that man is then *Sui Iuris*.

9. When a man becomes to be *ſui juris*.

For though in caſes where there is a proper Court, I am bound to it; yet, as Kings which are both Soveraignes, may therefore juſtly decide a cauſe by Warre, becauſe there can bee no competent Judge between them; So in ſecret caſes betweene the Spirit of God, and my conſcience, of which there is not certainly conſtituted any exteriour Judge, we are our ſelves ſufficient to doe all the Offices; and then delivered from all bondage, and reſtored to our naturall libertie, we are in the ſame condition as (k) Princes are, who if in the rigour of words they may not properly bee ſaid to give themſelves Priviledges, have yet one generall inherent Privilege, and when they will, they may declare, that in that particular caſe, they will not take a new, but exerciſe their old Priviledge.

10. Warre is juſt betweene Soveraigne Kings, becauſe they have no Judge.

k *Accacius de privileg. juris. l. 1. cap. 7.* 11. Princes give not themſelves priviledges, but declare that in that caſe they will exerciſe their inherent priviledge.

SECT. VII.

And becauſe (a) *Ioſephus* hath one reaſon

Ioſephus Reaſon of *Depoſitum.*

a *De bell. Iud. l. 3. ca. 13.*

which tasts of Divinitie, we will consider it in this place. He sayes, our Soule is, *particula Dei*, and depoted and committed in trust to us, and we may not neglect or disharbour it, before he withdraw it. But we are still upon a safe ground, That whensoever I may justly depart with this life, it is by a Summons from God; and it cannot then bee imputed to any corruption of my will; for, (b) *Velle non creditur, qui obsequitur Imperio.* Yet I expect not ever a particular inspiration, or new commission, such as they are forced to purchase for *Sampson*, and the rest; but that resident and inherent grace of God, by which he excites us to works of morall, or higher vertues.

b *Regula juris* 4.

And so, when it is so called for againe, (c) it were a greater injustice in us to deny or withhold any thing, of which wee were *Depositaries*, then if we were Debtors; yea, (not to depart from *Josephus* Allusion or Meraphor of *Depositum*. It it were a fault to let goe that of which I were *Depositary*, before it were truely called for, yet in *Conscientia errante*, I were excusable; for it (d) is [*Ex substantia depositi, ut depositarius tantum de dolo teneatur non de culpa.*] Yea, when (e) I have a secret from another, *Data fide*, I have this in all respects, in *Natura Depositi*; and yet no man doubts, but that I may in many cases, depart with this secret.

c *Arist. Probl. Sect.* 29. *q.* 2. 2. In these cases a depositarie cannot bee accused *De culpa*, if he be *sine Dolo*. 3. A secret received, *Data fide*, is in *Natura depositi*.

d *Tholos. Synt.* l 23. *ca.* 3. *Nu.* 17.

e *Soto de Teg. Secr. membr.* 1. *q.* 1.

SECT.

SECT. VIII.

There are many Metaphoricall and Similitudinarie Reasons, scattered amongst Authors, as in *Cicero* and *Macrobius*, made rather for illustration, then for argument or answer; which I will not stand to gleane amongst them, since they are almost all bound up in one sheafe, in (a) that Oration of *Josephus*. Or else will be fitly handled in those places of Scripture, which make some such allusions.

1. Of similitudinary Reasons in Authors not Divine.

a *De Bello Iud. l. 3. ca. 14.*

SECT. IX.

Josephus then in that Oration hath one Reason drawen from the custome of an Enemy. We esteeme them enemies, who attempt our lives, and shall we bee enemies to our selves? But besides that, in this place, *Iosephus* speakes to save his owne life, and may justly be thought to speak more *ex animo*, and dispassioned, wherein the (a) person of *Eleazar* hee perswades to kill themselves, there is neither certaine truth in the Assertion, nor in the Consequence. For do we esteeme God, or the Magistrate our enemy, when by them death is inflicted? And do not Martyrs, in whose death God is glorified, kisse the Executioners, and the Instruments of their death? Nor is it unlawfull, unnaturall, or unexpedient for us, in many cases, to be so much our

1. Of his reason of *Hostis*.

a *lib. 7. c. 28.*

owne Enemies, as to deny our selves many things agreeable to our sensitive nature, and to inflict upon our selves many things repugnant to it, as was abundantly shewed in the first part.

SECT. X.

1. Of his reason of *Servus.*

In the same Oration he hath another allusorie argument, [*That a Servant which runnes away, is to be punished by the Law, though his Master bee severe; much more if we runne away from so indulgent a Master, as God is to us.*] But not to give strength or delight to this reason, by affording it a long or diligent answer; wee say, In our case the Servant runnes not from his Master, but to him, and at his call obeys his voyce. Yet it is as truely, as devoutly sayd, [*The devill is overcome by resisting, but the world, and the flesh by running away.*] And the farther, the better.

Bosquier. Conc. 7.

SECT. XI.

Of his reason of a Pilot.

His last, which is of any taste, is [*That in a tempest, it were the part of an idle and treacherous Pylot, to sinke the Ship.*] But I say, if in a Tempest we must cast out the most precious ware aboard, to save the lives of the Passengers, and the Marchant who is damnified thereby, cannot impute this to any, nor remedie himselfe, how much more may I, when I am weather-beaten, and

and in danger of betraying that precious ſoule which God hath embarqued in me, put off this burdenous fleſh, till his pleaſure be that I ſhall reſume it? For this is not to ſinck the ſhip but to retire it to ſafe Harbour, and aſſured Anchor. And thus our fourth Diſtinction, which was to embrace the reaſons propoſed by particular Authors, whether Divine or Prophane, and aſwell Oblique and Metaphoricall, as Direct, ſhall here be determined.

Diſtinction V.

SECT. I.

ANother ſort of Reaſons is produced from grounds of *Morall Vertues*. Of which (a) S. *Thomas* propoſeth two, which we limit for this Diſtinction; for that of Saint *Auguſtine, That it is againſt Fortitude, hath another roome.*) Firſt then *Aquinas* ſaies, it is againſt juſtice, and againſt Charity.

1. Of *Aquin.* two reaſons, from Juſtice and Charity. (a) 22. q. 64. ar. 5.

And the firſt in two reſpects, both becauſe he ſteales from the Univerſe, or from that State, to which his ſervice is due, one perſon, and member of the body; and alſo, becauſe he uſurpes upon the right of God. But the firſt of theſe may as well be ſaid of all who retyring themſelves

Of ſtealing away himſelfe from the State.

selves from functions in the Common-wealth, defraud the State of their assistance, and attend onely their owne ends, whether in this life, or the next.

3. Monastique retiring is, *in genere rei*, the same offence.

For certainely to doe even that, so intensly, as we neglect our office of Society is *in genere rei*, the same offence, as this.

4. The better opinion, that herein is no sinne against Justice.

But as there are many which follow *Aquinas* herein; So *Navar*, and *Sayr*, and others are upon better reason of opinion, that this can be no sinne against Justice.

5. I usurpe not upon his servant, but am his servant herein.

And for the second reason, This is not to usurpe upon Gods Authoritie, or to deale with another's servant; if I become his Servant, and his Delegate, and his Commissioner, in doing this, when he can be no other way so much glorified. And though the passage from this life to the next, bee not generally left to our free-will, and no body be properly Lord of his own life, yet (b) [*Though we have not* Dominium, *we have* Usum, *and it is lawfull for us, to lose that when we will.*]

b *Sayr. Thesau. Cas. Consc. l. 7. ca. 9. Nu. 19.*

6. Though we have not *Dominium*, wee have *Vsum* of this life, and we leave that when we will.

Betweene which negative killing, and positive killing, how little and narrow a distance there is, and how contiguous they are, we shall see in another place.

If therefore the reason why we may not dye thus, be, because we are not Lords of our own life, but only God, then the State cannot take away our life; for (c) [*That is no more Lord of our life, then we are,*] that is, she cannot doe it,

7. The State is not Lord of our life, yet takes it away.

c *Sayr. l. 5. c. 7. Nu. 2.*

it, but in cases where she is Gods Officer.

And if in this case, there were any injury done to the State, then certainly it were in the power of the State, to license a man to doe it, and he should upon such a license be excusable in conscience. For this, in the State, were but *Cedere in re suo*, which any may lawfully doe.

And lastly, if the State were injured in this, the State might lawfully recompence the dammage, upon the heire and goods of the Delinquent; which, except in those places, where expresse Lawes allow it, cannot be done.

Yet, I thinke, the better opinion, (to judge by number of Authors) will be, That if that person be of necessary use to that State, there are in it some degrees of injustice; but yet no more, then if a Generall of much use, should retire into a Monasterie. But if we may safely take this resolution, That it is not against justice, we may ease our selves of all that labour which must bee spent upon the third part; for, since the foundation of that will be principally the Commandement, *Thou shalt not kill*; If this killing be not against Justice, it is no breach of any part of the *Decalogue*, and so no sinne.

If any should thinke, that it may be an injustice to our selves, (d) *Aquinas* in the same place cleares it. And if it were possible, for a man to injure himselfe, which is not, yet this injury might be oftentimes such an one, as *Cicero* sayes, his banishment was, [*Non modo non propul-*

8. If injurie were herein done to the State, then by a license from the State, it might be lawfull.

9. And the State might recompence her domage upon the goods, or heire

10. In a man necessary there may be some injustice in this act.

d 22. q. 59. ar. 4. ad 3m.

11. No man can doe injurie to himselfe.

sanda,

sanda, sed emenda,] considering how much happineſſe might recompence it.

11. The queſtion, whether it bee againſt Charity, eſpited to the third part.

And whether it be againſt Charity or no, becauſe Charity is not properly a Morall vertue, nor of this place, becauſe many of thoſe places of Scripture, which we muſt handle in the laſt part, are built upon his ground of Charitie, we will not examine, till we come thither. Here I will onely ſay, That though it be yet under Diſputation, and queſtionable, whether this be againſt Charity, or no; this is certainly againſt Charity to pronounce ſo deſperatly, as men uſe to doe, againſt them who fall into it.

SECT. II.

Of *Ariſtotles* two reaſons. Of Miſery, & Puſilanimity.

Of ſuch reaſons derived from the rules of Morall vertue, *Ariſtotle* inſinuates two. For obſerving that this kinde of death caught men by two baits, *Eaſe* and *Honour,* Againſt them who would dy to avoide Miſerie, (a) Hee teaches *Death to be the greateſt miſery which can fall upon us.* Which (not to examine how it can conſiſt with the reſt of his Doctrine) was to that purpoſe, the moſt ſlipperie and inſinuating perſwaſion.

a *Ariſt. Eth. l.3.c.6.*

And then, that Honour and Fame might draw none, (b) he ſayes, *It is Cowardlineſſe, and Dejection, and an argument of an unſufferable and impatient minde.* But of the firſt of theſe we have ſpoken before, in anſwer to one of *P. Martyrs* reaſons.

b *Cap.7.*

reasons. And of the other we shall have occasion to say in ugh, when wee come to a place where Saint *Augustine* sayes the same thing, and so we may ease this Distinction of that businesse.

Infra fol. 249.

Distinct. VI.

SECT. I.

HAving thus considered those Reasons, which in the best Authors are to be found, and shewed such Rules, as serve for the true understanding of them, and of all others which spring from the same, or like heads, before wee determine this Second Part, which is of the law of Reason; it shall bee requisit that wee also touch those Reasons, which on our part are by others, and may bee by us produced, by which this *Selfe-homicide* ma be delivered either *a toto*, or *a tanto*

1. Of Reasons to be made on the other part.

But not to stop long upon that Law and practise in the State of *Rome*, That any who had his causes allowed in the Senate, might kill himselfe; upon which (a) *Quintilian* frames a Case, That a Sonne who by Mathematicians Predictions, was first to kill many Enemies, and then his Father; having in the warres performed the first

2. Of the Law of Rome, of asking the Senate leave to kill himselfe.

a *Declam.* 4.

3. Of the case in *Quintilian.*

part, makes petition to the Senate, that before he come to performe the last part, he may be admitted to kill himselfe, and argues it for the Sonne, by many reasons appliable to his particular case, and to our maine question, I will hasten to our chiefe strength.

SECT. II.

1. Comparison of Desertion and Destruction.

It may then give much light to this businesse, if we compare Desertion and Destruction, and consider where and wherein they differ. Certainly, in Almighty God, it is not the same thing to forsake and to destroy, because he owes us nothing; and ever in his forsakings there are degrees of Mercy, because hee might then justly destroy us, and may after at his good pleasure returne againe to us.

2. Of Omissions equall to Committings.

But betweene men who are mutuall Debtors, and naturally bound to one another, it is otherwise. For a Magistrate, or Minister that abandons his charge, and neglects it, destroies it. So sayes (a) *Agapetus* the Deacon to *Justinian* the Emperour, *Privati vitium est patrare, principis omittere.* Yea, a private man which hinders not a mans wrong, when it belongs to him to do it, offers it. (b) [*Fame morientem si non paveris, occidisti,*] saith *Ambrose.* And (c) [*That Clergie man which hinders not a manslaughter, if hee can, is thereby irregular*] And he which to himselfe denies necessarie things, or exposes himselfe

a. *In admonitorio.*

b *Dist. 86. passce.*

c *Tabula Paris. censurarum.*

selfe inordinatly to such dangers as men use not to escape, kills himselfe. He that is as sure that this Medicine will recover him, as that this Poyson will destroy him, is as guilty if he forbeare the Physicke, as if he swallow the Poyson. For what is this lesse, then to attend the ruine of a house, or inundation of a streame, or incursion of mad beasts? They which compare Omissions, and Committings, require no more to make them equall, but that we omit something which we could, and should doe.

SECT. III.

First, therefore in all Lawes, in such faults as are greatest, either in their owne nature, or in an irremediablenesse when they are done, all approaches, yea the very first step to them, hath the same guiltinesse, and is under the same punishment, as the fault it selfe. As in Treason and Heresie, the first consent is the absolute fault.

1. In great sinnes, the first step imprints a guiltinesse, yet many steps to Self-homicide are lawfull.

And (a) we have an example of a Woman burnt for petie Treason, for compassing the death of her husband, though it were not effected.

a *Stanf. Plees de Cor n. cap. Petie treason.*

Homicide is one of those crying sins, and hath ever beene reckoned *in Atrocibus*. For though the (b) *Athenians* removed all *Dracoes* Lawes by disuse, for their extreame severity, yet they retained those against *Homicide*.

b *Elian. l. 8. cap. 10.*

2. *Draco's* laws against Homicide were retained.

And this *Homicide*, (c) saies *Tolet*, may bee done five wayes, by 1. Commandement, by

c *Precepto 5. 3. Toletus* five Homicides.

2. Advise, by 3. Permission, by 4. Helpe, or by the fact it selfe.

4. Foure of these were to be found in *Adams* first Homicide in Paradise.

And in the first and worst Homicide committed in Paradise, in which were employed all the persons in the world, which were able to concurre to evill, when though there was but one man, all the Millions which have been and shall be, were massacred at once and himselfe too, as many of these kindes of Homicides were found, as was possible in so few persons. For as (c) one notes, [*The Serpent counselled the Woman helped, and* Adam *perpetrated,*] and wee may safely and reverently say) God permitted If then every one of these be a kind of Homicide, no approach towards it can be lawfull, if any bee lawfull, that is not Homicide. Let us therefore consider how farre and in how many of these waies *Selfe-homicide* may bee allowable.

c. *Reuchlin. de verbo Mirifico. lib. 2. cap. 14.*

SECT. IIII.

1. Of Tolets first & second way by Precept, and Advise, or option.

First therefore, though it be the common received opinion, (a) [*Mandatorem & Mandatarium eidem pœnæ subjici,*] Yet by the way of Precept, we cannot properly work upon ourselves, because in this act, the same partie must be agent, and patient, and instrument.

a *Bartol. le. Non solum. F. de injuriis, . Si mandato.*

Nor very properly by the second way of advise; yet so neere, we may come to the nature of it, that after discourse we may advisedly chuse one part

part, an[1] refuse the other, (for (b) *Cujus est velle, ejus est & nolle*) and so we may wish to our selves, that which is naturally evill, I meane, *Malum pœnæ*; as the (c) *Eremite* by earnest prayer obtained of God, that he might be possessed of the Devill for certaine moneths, because he found in himselfe an inclination to pride and securitie.

Thus certainely in some cases, we may without sinne wish Death; and that not onely for enjoying the sight of God, (for so(d) sayes a holy man, *Pro visione Dei, millies corpus nostrum morti dare optamus*) but even to be so delivered from the encumbrances of this life; for so it hath [*rationem boni*] (e) as *Peter Martyr* argues; and then, [(f) *Nove meliorem est Corruptio primæ habitudinis.*]

This therefore we may wish; and yet it is so farre from being lawfull to wish any thing which were evill: that [(g) *It is sinne to wish, that any thing which is naturally evill, were not so, that so wee might then wish it, when it were discharged of that naturall illnesse.*]

Death it selfe therefore is not evill, nor is it evill to wish it, is it evill to further that with more actuall helpe, which we may lawfully wish to be done?

These two extreme Religions, which seem to avile secular Magistracie, and subject Monarchs either to an Ordinarie, or else to a Consistorie, accept willingly this saying, *Curse not the King, no not in*

b *Reg. Fur.* 2. We may wish *Malum pœnæ* to our selves, as the Eremite did to be possessed.

c *Sulpit. in vita Martini. Dialo.* 1.

3. Wee may wish death for wearinesse of this life.

d *Martialis ad Thelosanos.*

e *Coment. in Sum. l.* 1. *c. ult.*

f *Heptap. Pici. l.* 7. *Procm.*

4. It is sin to wish that evill were not so, that then wee might wish it.

g *Adrian. quodlib.* 10. *ar.* 2.

5. What wee may lawfully wish, we may lawfully further.

6. Of wishing the Princes death.

in thy heart; That is, wish not ill to him. Nor have I observed that the Authors of either distemper have in their Books allowed, that the Subject might wish the death of the Prince, but in the same cases, where he might contribute his actuall helpe. For both Papists and Puritanes teaching that a lawfull King may become a tyrant, (which to my understanding cannot consist with the forme and right of an inheritable Monarchie.) Yet (h) one who pretends to go the middle way (and that is truely in this case, *Via Regia*, sayes, [*That as well wee, as the Romanists esteeme a King of another Religion a Tyrant.*] And [*That it is impossible to make such a King, but he must be a Tyrant, in the opinion of one side.*]

h *Saxavia de Imp. Author. Epistola.* 7. In some opinions, false Religiō makes a Tirant.

And for his own opinion delivers [(i) *That no man can be bound by oath of fidelity to the Pope, upon this reason, because he is not indeed* Vicarius Dei, *as he presumed him, and swore him to be.*]

i *Lib. 2. ca. 36.* 8. Why an oth of fidelity to the Pope binds no man.

And conformably to this, (k) that book whose title and scope is of the foundation of matter of State in *France*, and (as it pretends in all *Christendome*) when after it hath enraged Subjects against Tyrants, it comes to declare what a Tyrant is, exemplifies in the King of *Spaine*, and upon such reasons, as any Malignitie equall to that Author, may cast upon what Prince it will.

k *Declaration & Protestation des Docles de France. Anno* 1605. 9. Who is a Tyrant in these mens opinions.

And lastly, who ever shall well compare (l) *Beccariaes* booke, with *Bezaes*, (if that other be *Bezaes*) though they differ Diametrally in many

Beccar. cont. lib. De. jure Magistrat.

ny things, yet by their collision and beating together, arise abundantly sparkes of this pestilent Doctrine, That as Tranquillity was, so now Religion is, the reason why wee admit Kings, and why they are none, when they neglect Religion; upon these Doctrines, I say, it is inferred, (m) [*That it is lawfull to wish the death of a Tyrant, or of a favourer of Heretiques, though he dye in mortall sinne.*] To wish therefore, and to doe, are naturally the same fault; and yet, though it be (n) [*a sinne to offer my selfe even to Martyrdome, only for wearinesse of life.*] (o) [*Or to wish death simply for Impaciencie, Anger, Shame, Povertie, or Misfortune*;] yea to wish heaven meerely for mine owne happinesse; yet certainely (p) S. *Paul* had some allowable reasons, to *desire to be dissolved, and to be with Christ.* And (q) *Calvine* by telling us upon what reason, and to what end he wished this, instructs us how we may wish the same. He sayes, *Paul* desired not death, for deaths sake, for that were against the sense of Nature, but he wished it, to be with Christ.

Now, (besides that, by his leave,) we desire many things which are against the sense of Nature, to grant that we may wish death to be in heaven, (though *Peter Martyr* before alledged, be of the same perswasion) is a larger scope, and somewhat more dangerous and slippery a graunt, then wee urge towards, because herein onely the interest and good of the party seeme

m *Carbo. Cas. Conc. Summa Summarum. Tom. 3. lib. 3. cap. 9.*

n *Sylvest. verb. Martyr.*

o *Navar. Manual. Ca. 15. Nu. 11.*

p *Phil. 1. 23.*

10 How death may be wished by *Calvine.*

q *In 2 Cor. 5. 1 Marlorate.*

Supra.

to be considered; And yet (a) *Emanuel Sâ* extends it farther. [*That wee may wish sickneſſe to one, for his correction; and death for the good of the State; yea to our Enemie which is like to doe us much harme for avoiding this our particular damage; and we may rejoyce at his death, even for that reſpect of our owne deliverie*] All which will hold as well, if we be urged with like reaſons, to wiſh it to our ſelves.

To conclude therefore this point, That it may become lawfull to wiſh our owne death; I will onely relate an Hiſtory which though it be but matter of fact (if it be ſo much) yet it is of ſuch a perſon, as his acts governe and perſwade, with very many, as farre as Rules. (f) In the life of *Philip Nerius*, who in our age inſtituted the laſt Religion approved and eſtabliſhed in the Church of *Rome*, we read, that he being entreated (as he was ordinarily in like deſperate caſes,) to come to one *Paulus Maximus* a youth of 14. who was then ready to expire his ſoule by ſickeneſſe, before he could perfit his Sacrifice, and the office which hee had beginne, before the meſſage came to him, the young man dyed. When hee had been dead about halfe an houre, *Nerius* came, and after he had uſed ſome lowd exclamations, the youth revived againe, looked up, and talked in ſecret with *Nerius* a quarter of an houre The diſcourſe ended, *Nerius* gave him his choiſe, whether he would live, or dye; and when the boy wiſhed death,

q *Eman. Sâ Aphor. Confeſſ. ver. Charitas.*

11 How we may wish death to another for our owne advantage.

12 *Ph. Nerius* conſented to the death of one who wiſhed his own death.

f *Vita Phil. Ner. fol.* 284.

death, he gave him leave to dy againe. Now, though it were a greater miracle, then any in that book; if any man should beleeve all that are in it, (for in it are attributed to *Nerius*, stranger things then the (t) book of Conformities imagined in Saint *Francis* (for I beleeve that Authuor purposed onely like *Xenophon* or *Plato*, or Sir *Thomas Moore*, to ideate and forme, then to write a credible History, though (u) *Sedulius* have defended it, with so much earnestnesse of late; yet thus much is established out of this, whether Fable or History, that it their opinion, who authorised t is book, is, that it was lawfull in *Maximus* to wish his own death, since a man of so much sanctity as *Nerius*, did approve and second, and accomplish that opinion of his.

t *Liber Conformi. Fran. & Christi.*

u *Sedulius Minor. advers. Alcor. Francis.*

SECT. V.

The next species of *Homicide* in *Tolets* division, is Permission; which when it is toward our selves, is by the Schoole-men usually called Desertion, or Derelict̃ion, and *Mors negativa.*

1 Of *Tolets* 3. species. by permission which is *Mors Negativa.*

Of which I perceive not any kinde to be more obnoxious, or indefensible then that which is so common with our Delinq ients, to stand mute at the Barre. And though Civill Lawes which are often enforced to chuse of two evills, the least, that is to say, the least hurtfull to civility and society, and must admit sometimes particular mischiefe, rather then a generall inconve-

2 Of standing mute at the Barre.

nience, may excuſe this; yet, ſince out of the law of Conſcience, which can in no caſe come to be ſo entangled and perplexed, that it can be forced to chuſe any thing naturally evill, no man hath as yet, to my knowledge, impugned this cuſtome of ours, it ſeemes to me, that aſwell our Church as our State, juſtifies this Deſertion of our ſelves: and this, for ſo low and worldly a reſpect, as the ſaving of our temporall eſtate, or eſcaping the ignominy of another death.

3 Three rules from *Sotus*, *Navar*, and *Mald.* to guide us in theſe Deſertions of our ſelves.

a *Soto. de teg. ſæret. membr. 1. q. 3.*

But that we may the better diſcerne the limits, how farre theſe Omiſſions, and Deſertions, and Expoſings of our ſelves, are allowed us; firſt I muſt interpret one (a) rule, [*That charity begins with it ſelfe, to bee underſtood onely in ſpirituall things.*] For I may not doe a ſinne, to ſave (in the language of Schoole-men) the goods, or honour, or life, of the Pope; but for temporall things I muſt prefer others before my ſelfe, if a publique profit recompence my private Domage. (b) I muſt alſo lay down another rule, [*That as for my ſelfe, So for my neighbour whom I am bound to love as my ſelfe,*] I may expoſe goods, to ſafegard honour, and honour, for life, and life for ſpirituall profit. And to theſe I muſt joyn a third rule, (c) [*That no man is at any time enforced to exerciſe his priviledge.*] [*For the written Law every man is bound to know, but* (d) *priviledges and exemptions from that Law, he may be excuſably ignorant of and in ſuch ignorance tranſgreſſe them.*] Hereupon it is ſately infer'd, that though every man have naturally

b *Nava. Manual.*

c *Sum. Maldo. q. 14. ar. 6.*

d *Acacius de privilegiis l. 1. cap. 9.*

rally this priviledge, to resist force with force, and be authorised by that, to lay violent hands, even upon the Popes life, as (e) *Gerson* exemplifies, or upon the Emperours, as (f) *Acacius*, when either of them exceeds the limits of their Magistracy, (for then the party becomes the Deputy, and Lieutenant to Nature, which is a common and equall Soveraigne to them all.)

e *Gerson.*

f *Acacius de privile. l. 1. c. 8.*

Yet I may wayve this benefit, if I will, and even by a theefe, I may suffer my selfe to be killed, rather then kill him in that mortall sinne. (g) Which our Countryman *Sayr*, holds as the common opinion from *Sotus*, *Navar*, *Cajetan*, and many others. And none, that I have seen excepts to it, in any other person then a Souldier, or such as hath the lives and dignities of others so enwrapped in theirs, as they cannot give away themselves, but by betraying others. And this Desertion seems to bee of Naturall reason, because it is to be found in all lawes; for even in the (h) *Alcorum* we read [*Vindicans non est reus, Patiens tamen optime facit.*]

4 I may suffer a thiefe to kill me.

g *Sayr Thesau. Cas. Conf. l. 7. cap. 9. nu. 17.*

And our law, which if a man kill another in his own necessary defence, punishes him with losse of goods, and delivers him from death, not by acquitall, but by way of pardon, seemes to me, to pronounce plainly, that it is not lawfull to defend my life by killing another; which is farther, then any of the others went. And when I compare our two lawes, That if I defend my selfe I am punished, and the other before mentioned,

h *Alcor. Azor. 52.*

5 Of *se defendendo* in our law.

mentioned, That if I kill my selfe I am punished in the same manner, and measure; they seeme to me, to be somewhat perplexed and captious.

6 I am not bound to escape from prison if I can, nor to eate rather then starve.

And as I may depart from my naturall priviledge of defending my selfe, so I may obtain from any extrinsique or accessory helpe, which is casually, or by providence (if God reveale not his will therein) presented unto me (i [*for a man condemned to death, is not bound in conscience to redeeme his life with money, though by the law of the place he might doe it.* And though (k) Saint *Thomas* say, [*That he which is condemned to dy, kills himselfe, if he apprehend not, an opportunity to escape by flight when it is presented, and likewise if he refuse meate, when he is condemned to be famished,*] yet the (l) whole streame is against him, *Sotus*, *Navar*, *Cajetan*, and *Sayr*. And *Navar* adds, that in these dayes (and yet now it is not so likely to be *Symbolum Idolotricæ pravitatis*) a man is bound rather to famish, then to eat meat offred to Idols.

i *Eman. Sa. Aphor. Confes. ver. Charitas.*

k *Aquin. 22. q. 69. ar. 4. ad 2.*

l *Sayr Thesau. Cas. Conf. l. 7. cap. 9.*

7 For ends better then this life, we may neglect this.

And therefore they say, that *Aquinas* his opinion, That a man is bound to use his priviledge for safegard of his life, is onely true then, when he doth not wayve it, for some end better and worthier then our naturall life; of which sort all spirituall advantages are. So that in such cases they all agree, we may abandon and forsake our selves.

8 I may give my life for another.

And we may step farther yet in this Desertion; for we may offer our selves for the good of our neighbour. For the temporall life cannot be

be more precious then our ſoule; which, in rigour is murdered by every ſinne conſented unto. Yet (m) *Chriſoſtome* ſayes, [*No praiſe is enough to give* Sara *for conſenting to ly, and to ſubmit herſelfe to Adultery for ſalvation of her husbands life*] I know (n) Saint *Auguſtine* is earneſt againſt this.

But his earneſtneſſe is upon the matter of fact, for he denyes that either *Abraham* or *Sara* conſented to any ſinne; But when he (o) diſputes *De jure*, whether *Sara* by *Abrahams* conſent might expoſe her ſelfe, to ſave his life, and is much troubled with the example of one which was priſoner, for debt to the State, under *Acindinus* a Præfect, under *Conſtantius*, whoſe wife being ſolicited by a rich man, who would give ſo much as would diſcharge her husband, to poſſeſſe her own night, by her husbands conſent, earned his liberty in that manner; at laſt he leaves it indifferent for any man to think it lawfull or unlawfull in ſuch a neceſſity, though indeede his own opinion decline from it. (p) *Bonaventure* denies, that for the temporall good of another, I may offer willinlgy my life. But he grounds it upon the ſame reaſon that (q) *Auguſtine* doth; That we may not love another more then our ſelves, which in this caſe we ſeeme to doe.

But many of the Fathers, *Hierome*, *Ambroſe*, and *Lactantius*, and many of the Schoole, as *Aquinas Fra. Victoria*, *Sotus*, *Bannes*, and infinite are againſt

m *Chriſ. Hom. 32. in Genes.*

n *Aug. l. 22. adver. fauſtum. cap. 33.*

9 *Chriſoſtomes* opinion of *Sarahs* ly, and Adultery. And St. *Aug.* of that wife who proſtituted her ſelfe to pay her husbands debt.

o *Ca. 27. & primo: De ſerm. Dom. in monte.*

p *Bonavent. 3. Diſt. 29. q. 3.*

q *Aug. de mendacio. c. 6.*

10 That to give my life for another is not to prefer another, as *Bonaventure*, and *Aug.* ſay, but to prefer vertue before life.

against him: and answer Saint *Augustine* thus, That in that case, a man doth not prefer his friend before himselfe, but he prefers an Act of vertue, and of friendship, as things of more spirituall Nature, before his own temporall life.

But that for the spirituall good of another, a man should expose his own life, is an unresisted doctrine, and as (r) *Sayr* saies, [*It is* sub præcepto,] So (s) a Curate is bound to baptize, and to anoint in the plague time. Yea, it is an act of Vertue, though not of necessity, (as in the Curates case) (t [*To visit a sick man, in such a time, though you bee a private man, and your end be not spirituall comfort.*

And we may yet proceed farther, for wee may lawfully dispossesse our selves of that, which was before afforded us, and without which we can have no hope to sustaine our lives. (u) As in a persecution, a private man, having food left sufficient only to sustaine one man, may give it to a publike person, and so perish. And only *Sotus* denyes, that in a shipwrack, if after wee have both beene in equall danger, I catch and possesse my selfe of any thing to sustaine me, I may give this to my Father, or to a Magistrate: against the strength of *Navar*, *Tolet*, *Fra. Victor.* and many others.

The farthest, and uttermost degree of this Desertion, is inordinate and indiscreete voluntary fasting, of which Saint *Hierome*, (as it is (x) related

11 For spirituall good is without question.

r *Sayr Thesau. Cas. Cons. l. 7. c. 9. nu. 17.*

s *Eman Sa. Aphor. Con. verbo Charit.*

t *Idem verbo Ho.*

12 I may give another that without which I cannot live.

u *Aquin. 22. q. 32. ar. 6.*

Sotus.

13 I may over-fast my selfe.

(x) related into the Canons) sayes, [*That by such an immoderate innocence, and indiscreete singing of Psalmes, and Offices, a man looseth his dignity, and incurres the note of madnesse,*] And upon this place (y) *Navar* sayes, That Saint *Hierome* pronounceth, an [*Indiscreete fasting which shortens the life, if the party perceive that it worke that effect, though it be without intention to shorten his life, and that he doe it, to be the better able to satisfie God, yet it is a Selfe-Homicide.*] And (z) hee adds in another place, speaking of the same purpose, [*It makes no difference whether thou be long in killing thy selfe, or doe it at once*]

And (a) so *Cassianus* sayes expressly, [*That that Friar killed himselfe, which having vowed in his journey, to eat nothing except God gave him meat immediately, refused to eat, when theeves accustomed to kill passengers by that place, came and presented him bread.*] And yet, though he saies he killed himselfe, he imputes nothing to him but Indiscretion. And therefore saith (b) one, [*Our Saviour Christ exceeded not 40. dayes in his fast, Ne sui Homicida videretur.*] And he interprets that word, (d *Esuriit*, [*That then he perceived his body to languish and suffer detriment by fasting*] For, if he had not hungred till then, his fasting had had no vertue. So that he gave over, when he found the state of his body impaired by fasting, yet pursuing and imitating the superstition of the Philosophers, who taught that (e) [*Dum corpus augemus, mortaliores efficimur,*] And that (e) [*Per tenuita-*

x *De Consecr. Dist. 5. Non Mediocriter*

y *Navar ex Dist. 5. de cons.* This in Saint Hieroms opinion is Selfhomicide.

z *Soto de tegsecret mem. 1. q. 3. ex Hieron*

a *Cas. Collatione 2. c. 6.*

15 Of the Friar whom *Cassianus* calls a *Selfe-Homicide* for refusing bread from a theefe, upon a vow. Of Christs fast.

b *Bosquier Cove. 17.*

c *Idem Cove. 18.*

16 Of Philosophers inordinate fasts.

d *Porphir. de Abstin. Anti.*

e *Idem de occasionibus.*

tem assimilamur Deo,] How much the writers in the Romane Church suffer, and obliquely adhort these inordinate Fasts, and other disciplines, appears by that which I cited out of *Clarus Bonarscius* before, and whersoever they have occasion to speake thereof.

Supra.

And in no one thing more, then that they inculcate so often, [*That it was the practise of the Devill, to appeare to Saint* Francis, *and cry out to him, that no man which kills himselfe with such maceration, could be saved,*] which (f) *Bonaventure* relates in his life.

17. Of the devills threatning S. *Francis* for fasting.

f *Cap. de Austeritate.*

What soever hath beene done by others, they teach, we ought to exceede. And since (g) [*The Monkes in Prester* John *his Dominions, fast strictly fifty dayes, and stand all that time to the chinne in water*] Since they finde in (h) *Abbas Vrsperg,* a maid that fasted two year and a halfe after she had received the body of our blessed Saviour.

8 Examples of long fasts.

g *Middendor. de Academiis fol.* 298.

h *Lilius Gyr. Dialog.* 17.

And an *Eremit* 22. yeares, without receiving any thing, they say no fast can be too severe, which is undertaken to reduce our body to a tamenesse. Yea, (i) [*though that be already perfectly effected, yet a man is bound to the fasts injoyned.*] For (k) [*Fasting, without charity, doth wash away sinne.*] By this rigor of fasting they seeme sure, that our Saviour watched all those 40 dayes: because (l) [*Qui dormit, prandet.*] And as it is not likely that *Moses* slept in his 40 dayes conversation with God, so is it unlikely that Christ did lesse then he. And so Saint *Francis* is extoll'd

19. Reasons, effects, and obligations, to rigorous fasts.

i *Sayr Thesaur. Cas. Cons. l.* 3. *cap.* 7. *n.* 13.

k *Azor. Mor. Inst. pa.* 1. *l.* 7. *cap.* 35.

l *Bosqui. Coue.* 17.

by

by them, for obſerving three Lents every year, which (m) Saint *Hierome* ſo much deteſts in the *Montaniſts*. And though their ends were divers, yet this ſhewes, that to ſome ends, theſe enormous witherings of our bodies are allowable. Upon which reaſon (n) *John Baptiſts* auſterity is ſo much dignified; And (o) Saint *Peters* feeding upon Lupins; And (p) Saint *Matthewes* living without fleſh. And not onely the Emperour *Iuſtinians* choiſe, (q) [*Who in an extreme ſickeneſſe in Lent, would take nothing but hearbs, and ſalt, and water,*] but alſo the (r) *Carthuſian* Rule, by which though it appeare that fleſh would ſave the Patients life, hee may not eate it. And by the (ſ) Apoſtolicall conſtitutions, (which *Turrianus* extols ſo much, that by them he confutes much of the Reformed Churches doctrine) [*A man muſt faſt to death, rather then receive any meat, from an Excommunicate perſon.*] And in another Chapter, (t) [*If any thing be in a caſe of extreame neceſſity accepted from ſuch a perſon, it may bee beſtowed in full, that ſo their Almes may be burnt, and conſumed to aſhes, but not in meate to nouriſh our ſelves withall.*]

So, to determine this Section of *Deſertion*, ſince we may wayve our defence which Law gives, by putting our ſelves upon a Jurie; and which Nature gives, to repell force with force, ſince I may without flying, or eating when I have meanes, attend an Executioner, or Famine, ſince I may offer my life, even for anothers temporall

m *Hier. Epiſt. ad Marcell.*

n *Mat. 3. 4.*
o *Greg. Naz. Oratio, de Cura pauperum.*
p *Clem. Alex. l. 2. Pædag. c 1.*
q *Procop. Gaz. l. 1. de ædificiis Iuſtiniani.*
r *Sayr. Theſau. Caſ. Conſ. l. 7. c. 9. N. 30.*

ſ *Clem. Apoſtol. Conſtit. l. 4. cap. 7.*

t *Ibid. cap. 9.*

20 Corollary of this Section of Deſertion.

rall good, since I must doe it for his Spirituall, since I may give another my board in a Shipwracke, and so drowne, since I may hasten my arrivall to heaven, by consuming penances, it is a wayward and unnoble stubbornesse in argument, to say still, I must not kill my selfe, but I may let my selfe dye; since of Affirmations and Denyals, of Omissions and Committings, of Enjoying and Prohibitory Commands, ever the one implies and enwraps the other. And if the matter shall bee resolved and governed only by an outward act, and ever by that; if I forbeare to swimme in a river and so perish, because there is no act I shall not be guilty, and I shall bee guilty if I discharge a Pistoll upon my selfe, which I knew not to be charged, nor intended harme, because there is an act.

u *Mariana de Rege, l. 1. cap. 7.*

Of which latter opinion (u) *Mariana* the Jesuite seemes to be, as we shall have occasion to note, in the next Member and *Species of Homicide*, which is, *Assistance.*

SECT. VI.

1. Of another degree of *Homicide*, by Mutilation, which is not in *Tolets* Division.

But before we come to that, we must, though it be not, nor naturally could be delivered in *Tolets* Division; consider another species of *Homicide*, which is *Mutilation* or *Mayming*.

For, though in Civill Courts, it be not subject to like penaltie, yet if it bee accompanied with the same Malignitie, it is in conscience the

the same sinne, especially towards our selves; because it violetes the same reason, which is, that none may usurpe upon the bodie over which he hath no Dominion.

Upon which reason, it is also unlawfull for us to deliver our selves into bondage; (which I mention here, because it ariseth from the same ground, and I am loath to afford it a particular Section. Yet (a) holy *Paulinus*, a Confessor, and Bishop of *Nola*, then whom I find no man celebrated with more fame of sanctitie and integrity, to redeeme a Widowes Sonne, delivered himselfe as a a slave to the *Vandals*, and was exported from *Italy* to *Afrique*; and this, as I thinke, when hee was necessary to that place, being then there Bishop; for that was but five yeares before his death.

2 Of delivering ones selfe into bondage.

a *Baron. Martirol*, Junii 2.

But to returne to Mutilation, (b) it is cleare by the Canons, that towards irregularity, it works as much, and amounts as farre, to have maymed, as to have killed.

b *Tabula Paris. irregularit.*

And (c) in a Councell at *London*, *Anno* 1075 one Canon forbids a Clergy man, to bee present at judgement of death, or of Mutilation. And amongst the (d) Apostles Canons this is one, [*He that gelds himselfe cannot be a Clerke, because he is an Homiciae of himselfe, and an enemy to Gods creature.* [(e) *And to geld, is to maime in our Law.*]

3 By divers Canons it is all one fault.

c *Binius To.2. pa.2.fo.1280.*

d *Can. Apost. Can.21.*

e *Stanf. Plees del Coron.*

So in the next Canon it is said, [(f) *A Clerk which gelds himselfe must be deposed*, Quia homi-

f *Canon.23.*

cida sui.] (g) *And a Lay-man must for that fault be excommunicated three yeares*, quia vitæ suæ posuit insidias.] It was therefore esteemed equivalent to killing.

g *Canon.* 23.

And (h) *Calvine*, esteemed it so hainous, that he builds his Argument against Divorce upon this ground, [*God made them one Body, and it is in no case lawfull, for a man to teare his owne body.*] But if this be so lawfull as Divorces are lawfull, certainly this peremptorie sentence against it, must admit some modification.

h *Calv. in Mat.* 19. 4. *Marlorate.*

4 Of *Calvins* argument against divorce, upon the ground of Mutilation.

Without doubt, besides the examples of holy men who have done it, to disable themselves from taking the burden of Priesthood, of which (i) Saint *Marke* the Evangelist was one, who to that end cut off his thombe. And besides, that as our Saviour said, (k) [*Many should geld themselves for the Kingdome of heaven.*] So (l) *Athenagoras*, 50 yeares after Christ, saies, [*that many did practise it.*] It is doubted by none, [*But* (m) *that a man unjustly detained to a certaine execution, may cut off that limbe by which he is tyed, if he have no other way to escape; or being encompassed with doggs, he may cut off a hand, and cast it to them, to entertaine them while he escape.*

5 The example of Saint *Mark* to escape Priesthood.

i *Hier. Prolog. in Marcum.*

k *Mat.* 19. 12.

l *Orat. vero Anto. & commodo Philosophic.*

m *Sayr Thes. Cas. Consil.* 7. *cap.* 9.

6 In what cases it is cleare that a man may mayme himselfe.

SECT. VII.

The last species of *Homicide*, on this side, the last act, is an actuall helping and concurrence to it. And every step and degree conducing purposely

1 Of *Tolets* fourth way, by actual helping

poſely to that end, is as juſtly by Judges of Conſciences, called *Homicide*, as (a) *Ardoinus* recknoning up all poyſons, which have a naturall malignity and affection to deſtroy mans body, forbeares not a Flea, though it never kill, becauſe it endeavours it, and doth all the hurt it can; and he is diligent in aſſigning preſervatives and reſtoratives againſt it.

a *Ardoinus de venenis l.8.c.20 Ardoinus* reckons a Flea amongſt poyſons becauſe it would kill.

And (b) ſo to that *Amalekite*, which told *David* he helped *Saul* to dy, when hee found him too weake to pierce himſelfe, *David* pronounced judgement of death, for (ſaith hee) thine owne mouth hath confeſſed, *That thou haſt kill'd the Lords Anointed.*

b *2 Sam.1.16. 2 David* condemned the *Amalekite*, who ſaid, he helped *Saul* to dye.

Certainely, (c) *Mariana* the Jeſuite, whom I named before) eſteemes this actuall concurrence to ones death, as heavy as the act it ſelfe; yea, as it ſeemes, though the party bee ignorant thereof. For, after hee concluded how an Hereticall King may be poiſoned, he is diligent in this preſcription, [*That the King bee not conſtrained to take the poyſon himſelfe, but that ſome other may adminiſter it to him: And that therefore it be prepared and conveied in ſome other way then meate or drinke, becauſe elſe, ſaith he, either willingly or ignorantly he ſhall kill himſelfe.*] So that hee provides, that that King who muſt dye under the ſinnes of Tyranny and Hereſie, muſt yet be defended from concurring to his owne death, though ignorantly, as though this were a greater ſinne.

c *Mariana de Rege.l.1.c.7. 3 Marianaes* opinion, that a King drinking poyſon, prepared and miniſtred by another, he being ignorant, is a *Selfe-homicide.*

Since

Since therefore this haſtning of our death by ſuch an act, is the ſame, as the intire *Selfe-homicide*, let us conſider how farre irreproved Cuſtome, and example, and Law doth either allow or command it.

For that it is allowable, it ſeemes to me ſome proofe. [(d) *That before any man accuſes him, a Malefactor may go and declare his fault to the Iudge.*]

Though amongſt *Italian* relations, (e) that in *Sanſovine* concerning *England* have many marks and impreſſions of malice, yet of that cuſtome, which hee falſely ſayes to bee obſerved here, [*That men condemned to be hanged are ever accompanied to their Executions by all their kinred, who then hang at their feet, to haſten their ende; And that when a Patient is abandoned by the Phyſicians, his neereſt kinſman ſtrangles him with a pillow.*] Of this, I ſay, that Author had thus much ground, that ordinarily at Executions, men, out of a Charitie, as they thinke, doe ſo; and women which are deſperate of ſicke perſons recovery, uſe to take the pillow from under them, and ſo give them leave to dye ſooner. Have they any more the Dominion over theſe bodies, then the perſon himſelfe? Or if a man were able to doe theſe Offices to himſelfe, might he not doe it? Or might he not with a ſafe conſcience put ſo much waights in his pockets, as ſhould countervaile their ſtretchings. I ſpeake but comparatively; might not he doe it as well as they?

For

d *Sotus de teg. Secret. Memb.* 1. q. 1.
4 A Malefactor unaccuſed, may accuſe himſelfe.
e *Sanſovin. de Gover.*
5 Of *Sanſovinus* relation of our cuſtomes at Executions, and withdrawing the pillow in deſperate caſes.

For to my understanding such an act, either in Executioner or by-stander, is no way justifiable; for it is both an injury unto the party, whom a suddaine pardon might redeeme; and to the Justice, who hath appointed a painfull death to dererre others. (f) The breaking of legs in Crucified men, which was done to hasten death, was not allowed but upon Petition. And the Law might be much defrauded, if such violence might be used, where the breaking of the halter delivered the prisoner from death, as in some places it doth, and (g) good opinions concurre, that it is to doe ever without doubt whatsoever is for ease, or escaping painfull passage out of this life; in such cases, a man may more allowably doe by his owne act, then a stranger may. For Law of Nature enclines and excuseth him, but they are by many Laws forbidden to hasten his death; for they are no otherwayes interessed in it, then as parts of the whole body of the State, and so it concerneth them that Iustice be executed. Yet wee see, this, and the other of withdrawing the pillowes, is ordinarily done, and esteemed a pious office. The *Athenian* Executions were ever by the hand of the offender, injuryments of poyson.

And in (h) that law of Purgation assigned by God, to ease a man on whom the spirit of Iealousie was come, the Woman was to take the water of curses and bitternesse, which should make her infamous, and her belly swell, and her

6 Of breaking leggs of men at executions: And of breaking the halter

f *Iohn* 19.

g *Luods de penna l.* 1. t. *de defer. et occult. Iohan. de Ant. Soliloq.* 5. *Optin. in D. leg. Imperium.*

h *Numb.* 5.

7 Of the purgation assigned by *Moses* in cases of jealousie.

her thighs to rot. And those formes of purgation, which were called *Vulgares*, lasted long, even in the Church; for there is nothing extant against them, till (i) *Stephen* the fifth *anno* 885. And not only (k) *Charles* the great, in whom the Church did acknowledge pietie enough, induced one forme more severe than the the rest, which was to walke upon nine burning Harrows.

But (l) *Britius* a Bishop being but calumniated by the people extrajudicially, to have gotten his laundresse with child, after his innocency had prevailed so farre with God, that the childe of thirty dayes age, being adjurd in the name of Christ, had acquitted him did not admit, but chose and extort a forme of purgation, to carry burning coales, upon his head. with us both the *species* of *Ordalium* lasted evidently till King *Iohns* time.

And although into that of boyling water men were forced to goe, yet that was but for the meaner sort; but to carry the 3*l.* weight of red hot iron, which was for the purgation of the persons of better quality, was an act as all the former were, in which a man must of necessitie doe something actually himself, and be the executioner of his owne judgement. Which, as long as these formes of purgation, and the other by battaile, were lawfull, was lawfull also to be done.

And in S. *Dorotheus*, who every where professes

8 Of formes of Purgation, called *vulgares* i 2. q. 5. *Confitebitur*.
k *Tholos. Synt.* l. 48. c, 15. n. 7.

l *Greg. Turo. Hist Fran. l.* 2 *c.*
9 Charlemane brought in a new purgation And *Britius* a B. extorted another being acquitted before.
m *Lambert de legibus priscis Anglorum.*
10 With us both kinds of *Ordalium*, by water, and fire lasted untill K. *Iohns* time.
11 In all these and in Battel, the party himself assisted to his paine.

feſſes a love to that obdience which himſelfe calleh indiſcreet, you ſhall reade many praiſes given to men, who did not only forſake themſelves but actually further their deſtruction, though not effectually, which maketh no difference, if it bee in dangers which men uſually eſcape not.

12 Three examples of Actuall Helpers to their owne Deſtruction in S. *Doroth.*

(n) He praiſeth one fryar, who being by his Abbat commanded to returne that night, the waters being riſen, committedhimſelfe unto a raging torrent, in ſuch an obedience.

n *B. Dorotheus doctrinâ 1. de renunciatione.*

And another, who being bid by his Abbat to goe into the Towne, where he doubted he ſhould fall into ſome temptation, by ſome ſpectacle, went, but with this Proteſtation, that that he hoped not in the protection of God, but in him who ſent him. But the moſt naturall to our preſent purpoſe is this, (o) that a holy old man ſeing his ſervant miſtake poyſon for hony, and put it into his broth, eate it nevertheleſſe without chiding: and when the ſervant perceived it, and exclaimed, Sir I have killed you, anſwered, it all one, for if God would have had me eat hony, he would have directed thy hand to hony. Of the holineſſe of *Ioſeph* of *Arimathea* we have teſtimony enough, (p) who being ſent by the Apoſtles to preach the Goſpel, amongſt other perſecutions was conſtraynd to drink poyſon: in which there muſt of neceſſity be ſuch an act, as we diſpute of now. How much did (q) S. *And.* contibute

o *Idem doct. 7. de accuſatione ſui ipſius.*

p *Supplemen. Chronic. 40. Chr. 33.*

13 Of *Ioſeph* of *Arimathea* his drinking poyſon.

q *Navar. manual. cap. 21. n. 25.*

14 Of Saint *Andrew* and Saint *Lawr.*

to his own Crucifying? How much Saint Laurence *to his broyling, when he called to the Tyrant, This side is enough, turne the other, and then eate?*]

r *Controv.* 3.

[(r) *Magni quod faciunt, præcipiunt,*] saith *Quintilian.* And these acts of men, otherwise esteemed holy, may ever be good warrants and examples to us, when the cause is not præjudged by any greater authority, as Scripture, or Councells, nor that very act accused by any Authour.

15. *Casuists* not clear whether a condemned man may doe the last act to his death.

But to stay no longer upon examples, among *Casuists*, I observe the greater number to deny, that it is lawfull for a man condemned, to doe the last and immediate act conducing to death, as the drinking of poyson; But the acts somwhat more removed, they agree he may doe.

s *Relect. de Homi.* n. 30. *in resp. ad* 8.

And even this act of drinking poyson, (s) *Fr. a Vict:* defends to be lawful. So that among them it is not cleare, but that a man may do it. Yea, in very many cases, it is not only lawfull to doe as much, without any condemnation, but it is necessary, and by their rules, sinfull to omit it. For Curates must goe to infected houses, to minister the Sacraments. And (t) if a Priest enter a wood, where three wait to kill him, and one of them repenting that purpose meet him, and by way of confession *sub sigillo*, discover the fault, the Priest is bound to goe forward to a certain death into the wood, rather then by returning to let the others know, that he knew it by confession. Soe peremptory is their Doctrine, how ever their

16. But unto Curates and Priests sometimes it is *sub præcepto*, even without condemnation.

t *Sayr Sum. Sacram. pœnit. cap.* 32.

practise

practise be, against revealing Confessions. And though perchance this seem a wanton case, framd on impossibl concurrences, as (u *Soto* esteems of it, yet the reason may have use; That though self preservation be Divine Naturall Law and the seale of Confession but Divine Positive Law, yet because circumstances are not alike, in this a publique good shall be preferred before his private life. So that we may doe some Acts our selves which conduceth probably, yea certainly, as far as humane knowledge can reach, to our destruction: which is the neerest step to the last act of doing it intirely our selves.

u *De teg. Sec. memb.* 3. q. 4.

SECT. VIII.

Of which last act, as we spoke whilst we considered the Law of Nature, and must againe when wee come to understand those places of Scripture, which seeme to ayme towards it, so before we conclude this part, of the Law of Reason, we may fitly present such deductions, comparisons, and consequences, as may justly seeme in reason, to annihilate or diminish this fault. Of which because most will be grounded, either upon the conscience of the Doer, or upon the Churches opinion of the fact when it is done, we will only consider how far an erring Conscience may justifie any act, and then produce som examples of persons guilty of this, and yet canonized by the Church, by admission into

1 Of *Tolets* last *Species* of Homicide which is the act it self.

2 How farre an erring conscience may justifie.

into the martyrologe, and assigning to them their feasts, and offices, and Vigills, and like religious Celebrations. Therefore to make no use of (a) *Pythagoras* example, who rather then he would offend his philosophical conscience, and either tread on the beanes himself, or suffer his schollars to speake before their time, delivered up himselfe, and forty of his schollars to his enemies sword.

a *Diogenes Laertius l. 8.*

3 *Pythagoras* conscience.

And to avoyd the ambages and multiforme entanglinges of Schoolemen herein, wee will followt hat which is delivered for the the common opinion; which is (b) that not onely a conscience that erreth justly, probably, and *bonâ fide*, that is after all morrall industry and diligence hath beene used, (yet I meane not exquisite diligence, but such as is proportionable to the person and his quality, and to the knowledge which that man is bound to have of that thing at that time) is bound to doe according to that misinformation and the misperswasion so contracted, but also if it erre negligently or otherwise vitiously, and *malâ fide*, as long as that errour remaines and resides in it, a man is bound not to doe against his conscience. In the first case, if one in his conscience thinks that he ought to ly to save an innocent, or that he ought to steal to save a famished man, he is a *Homicide* if he ly not or steal not. And in the second case, though he be not bound to any act, yet it is lawfull to him then, to omit any thing necessary otherwaies. And

b *Azor. Instit. p. 1. l. 2. c. 8.*

And this obligation which our conscience casts upon us, is of stronger hold and of straighter band, then the præcept of any Superiour, whether Law or person, and is so much *juris naturalis*, as it cannot be infringed nor altered *beneficio divinæ indulgentiæ*, to use their owne words. Which doctrine, as it is every where to be gathered amongst the *Casuists*, so is it well collected and amassd, and argued, and confirmd, especially by *Azorius*. If then a man after convenient and requisit diligence, despoyled of all humane affections, and self-interest, and [*sancto bonæ impatientiæ igne exardens*] as *Paulinus* sayth, do in conscience beleve that he is invited by the spirit of God, to do such an act as *Ionas*, *Abraham*, and perchance *Samson* was, who can by these rules condemn this to be sin? and therefore I doubt there was some hast and præcipitation in (c) *Cassianus* his judgment, though otherwise a just estemer & valuer of works of devotion and obedience, who pronounceth that apparition of an angel to *Hero* an Eremite, after 50. years so intense and earnest attending of Gods Service, and religious negligence of himself, that he would scarse intermit Easter day from his strict fasting, and being now (d) *Victoriarum conscientiâ plenus* (as the Panegyrique saies) was an illusion of the Devil to make him destroy himself, Yet *Hero* being drawne out of the well into which he had cast himself, and living three dayes after, persisted in a devout acknowledgment

Epist. 3. Seve. l. 1.

c *Cassian. Col. 2. c. 5.* 4. Of the apparition unto *Hero* an Eremite, by which he killed himself out of *Cassianus*.

d *Navarini Constantio.*

ledgement that it was the Spirit of God, which sollicited him to that, and dyed in so constant an assurance and alacrity, that *Paphnutius* the Abbat, though at first in some suspence, did not number him *inter Biathanatos*, which were persons reputed vitiously to have killd themselves.

5 The Devill sometimes sollicites to good.
e *Wier l. 5. c. 1.*

Nor may it necessarily be concluded, that this act was therefore evill, if it appeared to be from the Devill. For (e) *Wierus* tells us of a maid whom the Devill perswaded to goe such a Pilgrimage, and at such an Altar to heare a Masse, for recovery of her health.

f *Vasq. de adorat. l. 3. disp. 1. cap. 5.*
6 By *Vasquez* it is not Idolatry to worship God in the Devill.
7 Rules to distinguish the spirits by
g *Binsfeld. de confess sagarum f. 67.*
h *Menghi fustis Daemonum, cap. 8.*

Certainly if as (f) *Vasquez* hold, [*it be not Idolatry to worship the Devill in an Apparition which I thinke to be God*] it can be noe offence to beleeve him, after I have used all meanes to discerne and to distinguish: For not only those Rules which are delivered ordinarily to know him by are apparently false, which are a difference in his hands or feet, or some notable deformity by hornes, or a tayle, of which (g) *Binsfeldius* seems confident of the first, and (h) *Menghi* of the second. But that Rule that God always infuseth or commands good things, if it be understood of that which is good, in the common and naturall course is not alwaies safe, for it held not in *Abraham*, nor the Israelites case. Therefore though *Vasquez* his first excuse That such a worship is not idolatry, because by reason of our immediate relation to God, wee never arrest nor stop upon the Devill by the way, will doe

doe no good in our case of beleeving, yet his other will, which he hath in the same place, That there may be an invincible ignorance, and that in that any exterior act whatsoever, proceeding from a sincere and pure intention of the mind, is an act of true Religion. For safelier then the (i) Panegyrick could say to *Constantine*, [*Suaeuique Prudentia Deus est*] may we say of every mans conscience thus rectified. If therefore they will still turn in their circle, and say, God concurs to no evill, we say nothing is so evill, but that it becomes good, if God command it; and that this is not so naturally evill, that it requires a speciall commission from God; but as it becomes good, if he commands it, so it becomes indifferent, if he remove the reasons with which the precept against it was conditioned. If they returne to S. *Augustins* two reasons against *Donatus*, whereof the first was, [*we have authority to save thy body against thy will,*] And the second, [*None of the faithfull ever did this act*] we are thereby hastned to the other consideration, how they which have done it, have been esteemed of by the Catholique Church.

But to speake a little in passing of Saint *Augustines* second reason, (for the first hath very little force, since though it may be lawfull to preserve a man willing to die, yet it is not alwaies of merit, nor obligatory; And therefore (k) *Ignatius* doth so earnestly dehort the *Romans* from endeavouring to succour him. And (l) *Corona Civica*

9. As in adoration, so in this case, invincible ignorance may excuse.

i *Inc. Constan*

Supra.

10. Of Saint *Aug.* his first reason to *Donatus*, that we may save one against his will.

k *Ignatius ep: ad Romanos.*

l *Ant. August. Episc. Tarrac: de leg. Roman. cap.* 44.

Civica which was given to any which had rescued a Citizen in the warres, was not given though he produced witnesses of the fact, except the person so rescued confessed that he received a benefit thereby;) why doth *S. Augustine* referre *Donatus* in that second reason, to examples. For if *Donatus* had produced any (as out of credible and authentique History he might very many, and out of Scriptures Canonick in(m S^t. *Augustines* opinion, he might have alledged the example *Eleazar*, and of *Rasis*,) Saint *Augustine* was ever provided for this retrait, That it was a speciall inspiration, and not to be drawn into consequence or imitation.

Had it been a good Argument in *Rome* for 500. yeeres, that Divorce was not lawfull, because (n) no example was of it? Or almost for 2000. That a woman might not sue it against her Husband, because (o) till *Herods* daughter there was no example of it? But now when the Church hath thus long persevered, in not only justifying but solemnizing many examples hereof, are not Saint *Augustines* Disciples guilty of the same pertinacy which is imputed to *Aristotles* followers,(p) who defending the Heavens to be inalterable, because in so many ages nothing had been observed to have been altered, his Schollers stubbornly maintain his Proposition still, though by many experiences of new Stars, the reason which moved *Aristotle* seems now to be utterly defeated?

11. Of his second of examples: and of his escape if *Donatus* had produced examples.

m *De civitate Dei l.* 18. *cap.* 38. *et lib.* 2. *cont. Gaudent. cap.* 23.

12 Divorce in Rome, and in Jurie long without example.

n *A: Gellius l*: 4. *cap.* 3.

o *Serarius de Rabbin. et Herodibus cap.* 17.

13. S. *Augustschollers* in this point of examples, as stubborne as *Aristotles*, for the heavens inalterablnes, though the reason of both be ceased.

p *Keplerus de Stella Serpent. cap.* 23.

Thus

Thus much being spoken by the way of Saint *Augustine*, and having purposely sepos'd the examples recorded in the Scriptures, for our third part, we will consider some Examples registred in the Ecclesiastick History.

The Church whose dignity and constancy it becomes well, that that Rule of her owne Law, be ever justly said of her self, (q) [*Quod semel placuit amplius displicere non potest*] where new reasons do not interpose, (r) celebrates upon the 9. of *February* the Birth, (that is the death, of the Virgin and Martyr *Appollonia*; who, after the persecutors had beat out her teeth, and vexed her with many other tortures, when she was presented to the fire, being inflamed with a more burning fire of the Holy Ghost, broke from the Officers hands, and leapt into the fire.

For this act of hers many Advocates rise up for her, and say, that either the History is not certain, (yet the Authors are *Beda*, *Usuardus*, *Ado*, and (as *Barronius* sayes *Latinorum cæteri*) Or else, (s) says *Sayr*, you must answer that she was brought very neer the fire, and as good as thrown in: Or else that she was provoked to it by divine inspiration. But, but that another divine inspiration, which is true Charity, moved the beholders then to beleeve, and the Church ever since to acknowledge, that she did therein a Noble and Christian act, to the speciall glory of God, this act of hers, as well as any other, might have been calumniated to have been done, out of wea-

q *Sextus Reg. Iur: quod semel.*

r *Baron. Martyrolog.*

14. Of the Martyr *Apollonia.*

15 Of answers in her excuse.

s *Sayr. Thesaur. Cas. Conf. l. 9. c. 7. num.* 11.

rineſſe of life, or fear of relapſe, or haſt to Heaven, or ambition of Martyrdome.

The memory of (t) *Pelagia*, as of a virgin and Martyr, is celebrated the ninth of *June*. And though the Hiſtory of this woman ſuffer ſome perplexity, and giue occaſion of doubting the truth thereof, (for *Ambroſe* ſays, That ſhe and her Mother drownd themſelves; and *Chryſoſtome* that they flung themſelves downe from a houſe top. And *Baronius* ſaw this knot to be ſo hard to unentangle, that he ſays, [*Quid ad hæc dicamus, non habemus*]) yet the Church, as I ſaid, celebrates the Act, as though it were glad to take any occaſion, of approving ſuch a courage in ſuch a cauſe, which was but preſervation of Chaſtity. [(u) *Their Martyrdome ſaith Saint* Auguſtine *was ever in the Catholique Church frequented* Veneratione Celeberrima.]

And (x) Saint *Ambroſe*, when his ſiſter *Marcellina*, conſulted him directly upon the point, what might be thought of them who kill themſelves in ſuch caſes, (and then it is agreed by all that the opinions of the Fathers are eſpecially to be valued, when they ſpeake of a matter, not incidently or caſually, but directly and deliberately) anſwers thus, [*We have an example of ſuch a Martyrdome in* Pelagia] And then he preſents her in this religious meditation, [*Let us die, if we may have leave, or if we be denied leave, yet let us die. God cannot be offended with this, when we uſe it but for a remedy;*] and our faith takes away all offence.

Here

t *Baron. Mart.* 16. Of the Marty. *Pelagia.*

17. Though her Hiſtory be very uncertain the Church ſeems glad of occaſion to celebrate ſo noble a fact.

18. *Auguſtins* teſtimonie of her.

u *Auguſt. de Civitate Dei l.* 1. *cap.* 26.

x *De Virg. l.* 3. 19 *Ambroſe* meditation upon her.

Here is no difficulty: for who is willing to dye, & cannot, since there are so many waies to death? I will not trust my hand least it strike not home: nor my breast, least it withdraw it selfe: I will leave no escape to my flesh, for we can dye with our own weapons, and without the benefit of an Executioner.

And then having drest her selfe as a Bride, and going to the water, Here, sayes she, let us be baptized; this is the Baptisme where sinnes are forgiven, and where a kingdome is purchased: and this is the baptisme after which none sinnes. This water regenerates; this makes us virgines, this opens heaven, defends the feeble, delivers from death, and makes us Martyrs. Onely we pray to God, that this water scatter us not, but reserve us to one funerall. Then entred they as in a dance, hand in hand, where the torrent was deepest, and most violent. And thus dyed, (as their mother upon the bank called them) [*These Prelates of virginitie, Captaines of Chastitie, and companions in Martyrdome.*]

29. *Eusebius* his Oration imagind in the person of her mother.

And before *Ambrose*, we finde (y) *Eusebius* to have been of the same perswasion, who thus produces the Mother encouraging them; [*You know how I have brought you up in the feare of God; and shall your nakednesse, which the publike ayre hath not had leave to see, now be prostituted in the Stewes? Have not so little faith in God, as to feare death, Despise not Chastity so much, as to live with shame; but with a pure and chaste death condemne this world.*

y *Eusebius Eccles. Histor: l. 8. cap. 4.*

And so, deluding their Keepers, as though they withdrew for naturall necessities, they drowned themselves.] All Authors of that time are so profuse in the praise of this fact, that it is just to say thereof, as (z) *Pliny* layes of *Nervaes* adopting *Trajane*, [*It was impossible it should have pleased all when it was done, except it had pleased all before it was done.*]

z *Plin. paneg. Trajan.*

For no Author, that I have lighted upon, diminished the glory of these and such other, untill Saint *Augustine* out of his most zealous and startling tenderness of conscience, began to seeke out some waies, how these *Selfe-homicides* might be justified, because he doubted that this act naturally was not exempt from taxation. And yet ever hee brings himselfe to such perplexitie, as either he must defend it, and call in question, the authority of a generall consonance of all times and Authors, or retire to that poore and improbable defence, that it was done by Divine instinct. Which can very hardly be admitted in this case, where not their Religion but onely their Chastitie was solicited and attempted.

21. S. *August.* first of any doubted their fact, and did seeke shifts to defend it which it needed not.

Nor can Saint *Ambrose*, or *Eusebius* be drawn to that opinion of especiall Divine instinct, because speaking *ex animo*, though in the mothers person, they incite them to it with reasons from Morrall vertues.

22. S. *August.* example hath drawne *Pedraca* to the same shift, of special divine instinct in a like case.

Yet Saint *Augustines* example, (as it prevailes very much, and very justly for the most part) hath

hath drawne many others since to the like interpretation of the like acts. For when the kingdome of *Naples* came to bee devided betweene *Ferdinand* the fifth, and *Lewis* the twelfth, the French Army being admitted into *Capua*, upon condition to do no violence, amongst many outrages, a virgin not able to escap the fury of a licentious Souldier, offered for ransome to lead him to treasure: and so tooke advantage of a place in the wall, to fling her selfe into the River. [*Which act,* (a) *sayes* Pedraça, *we must beleeve to be done by Divine inspiration, because God loves chastity now as well as ever he did.*] Which escape every side may finde easie, if being pressed with reason they may say, as *Peter Martyr* doth of the *Egyptian* Midwives, and of *Rahab*, and such, (b) [*If they did lye, they did it,* impulsu Dei.]

But as our custome hitherto hath been, let us depart from Examples to Rules; though concurrence of Examples, and either an expresse or interpretative approbation of them, much more such a dignifying of them, as this, of the whole Church, and of Catholike Authors approved by that Church, bee equivalent to a Rule. And to ease the Reader, and to continue my first resolution of not descending into many particulars, I will onely present one Rule, but so pregnant, that from it many may be derived; by which, not onely a man may, but must doe the whole and intire action of killing himselfe; which is, to preserve the seale of Confession. For

a *Pedraca Cas. de consc. 5. præc. Hispanica Editio.* 23. So sayes *P. Martyr* of the Midwiues and of *Rahabs lye.*
b In Jud 3.

24. To preserue the seale of confession a man may be bound to kill himselfe.

c *Io: de Lap. Cas. Missales c. 6: art. 5.*

d *Ibid.*

e *Sotus de teg. secret. memb: 3. q: 4.*

For though (c) the Rule in generall bee, [That if a Spider fall into the Chalice, the Wine may be changed, because, *Nihil abominabile debet sumi occasione hujus Sacramenti.*] And so (d) it may, if the Priest after Consecration come to the knowledge that the Wine is poysoned, [*Ne calix vitæ vertatur in mortem*;] Yet (e) if hee know this by Confession, from his assistant, or any other, and cannot by any diversion, nor disguise, escape the discovering, that this was confessed to him, without drinking it, if it bee poyson, he must drinke it.

But because men of more abundant reading, active discourse, and conclusive judgement, will easily provide themselves of more Reasons and Examples, to this purpose; it shall satisfie me, to have awakened them thus much, and shewed them a marke to direct their Meditations upon. And so I may proceed to the third Part, which is of the Law of God.

The

The Third Part.

OF THE LAW OF GOD.

Distinction I.

SECT. I.

THat light which issues from the Moone, doth best represent and expresse that which in our selves we call the light of Nature; for as that in the Moone is permanent and ever there, and yet it is unequall, various, pale, and languishing, So is our light of Nature changeable. For being at the first kindling at full, it wayned presently, and by dedeparting further and further from God, declined by generall sinne, to almost a totall Eclipse: till God comming neerer to us, first by the Law, and then by Grace, enlightned and repayred it againe, conveniently to his ends, for further exercise of his Mercy and Justice. And then those Artificiall Lights, which our selves make for our use and service here, as Fires, Tapers

1 An induction to the handlinge of these places of scripture.

and such resemble the light of Reason, as wee have in our Second part accepted that Word. For though the light of these Fires and Tapers be not so naturall, as the Moone, yet because they are more domestique, and obedient to us, wee distinguish particular objects better by them, then by the Moone; So by the Arguments, and Deductions, and Conclusions, which our selves beget and produce, as being more serviceable and under us, because they are our creatures; particular cases are made more cleare and evident to us; for these we can be bold withall, and put them to any office, and examine, and prove their truth, or likelihood, and make them answere as long as wee will aske; whereas the light of Nature, with a solemne and supercilious Majestie, will speake but once, and give no Reason, nor endure Examination.

But because of these two kindes of light, the first is to weake, and the other false, (for onely colour is the object of sight, and we not trust candlelight to discerne Colours) we have therefore the Sunne, which is the Fountaine and Treasure of all created light, for an Embleme of that third best light of our understanding, which is the Word of God. (a) *Mandatum lucerna, & Lex lux,*] sayes *Solomon.* But yet (b) as weake credulous men, thinke sometimes they see two or three Sunnes, when they see none but Meteors, or other apparance; so are many transported with like facilitie or dazeling, that for some

a *Prov. 6.*
b *Plin: l. 2: cap 31.*

ſome opinions which they maintaine, they think they have the light and authority of Scripture, when, God knowes, truth, which is the light of Scriptures, is Divine truely under them, and removed in the fartheſt diſtance that can bee. If any ſmall place of Scripture, mit appeare to them to bee of uſe for juſtifying any opinion of theirs; then (as the Word of God hath that precious nature of gold, that a little quantity thereof, by reaſon of a faithfull tenacity and ductileneſſe, will be brought to cover 10000. times as much of any other Mettall,) they extend it ſo farre, and labour, and beat it, to ſuch a thinneſſe, as it is ſcarce any longer the Word of God, only to give their other reaſons a little tincture and colour of gold, though they have loſt all the waight and eſtimation

But ſince the Scripture it ſelf teaches,(c)[*That no Prophecie in the Scripture, is of private interpretation,*] the whole Church may not be bound and concluded by the fancie of one, or of a few, who being content to enſlumber themſelves in an opinion, and lazy prejudice, dreame arguments to eſtabliſh, and authorize that.

c 2. Pet. 1: 20.

A (d) profeſſed interpreter of Dreames, tells us, [*That no Dreame of a private man may be interpreted to ſignifie a publike buſineſſe.*] This I ſay, becauſe of thoſe places of Scriptures, which are aledged for the Doctrin which we now examine, ſcarce any one, (except the Precept, *Thou ſhalt not kill*) is offered by any two Authors. But to

d *Artemidorus de ſomn. Interp. l.* 1. *cap.* 2.

one, one place, to another, another seemes directly to governe in the point, and to me, (to allow Truth her naturall and comely boldnesse) no place, but that seemes to looke towards it.

2. Why I forbeare to name them who cite these places of Scripture.

And therefore in going over all those sentences, which I have gathered from many Authors, and presenting convenient answers and interpretations thereof, I will forbeare the names of those Authors, who produce them so impertinently, lest I should seeme to discover their nakednesse, or insimulat them even of prevarication.

3. If any oppose an answer what I intreat of him.

If any Divine shall thinke the cause, or persons injured hereih, and esteeme me so much worth the reducing to the other opinion, as to apply an answer hereunto, with the same Charitie which provoked me, and which, I thanke God hath accompanied me from the beginning, I beseech him, to take thus much advantage from me and my instruction, that he will doe it without bitternesse. He shall see the way the better, and shew it the better, and saile through it the better, if he raise no stormes.

e *Matt.* 1. 17.

4. Why Clergy men may fish, or hunt but not with doggs.

f *Ex Dist.* 86. *Esau.*

Such men, (e) as they are [*Fishers of men*,] so may they also hunt us into their nets, for our good. But there is perchance, some mystique interpretation belonging to that (f) Canon which allowes Clergy men to hunt; for they may doe it by Nets and Snares, but not by Dogges; for clamour and bitings are forbidden them.

And

And I have been ſorry to ſee, that even *Beza* himſelfe, writing againſt an Adverſary, and a cauſe equally and extreamely obnoxious, onely by allowing too much fuell to his zeale, enraged againſt the man, and neglecting, or but preſcribing in the cauſe, hath with leſſe thoroughneſſe and ſatisfaction, then either became his learning and watchfulneſſe, or anſwered his uſe and cuſtome, given an anſwer to *Ochius* booke of *Polygamy*. 5. Of *Beza's* anſwer to *Ochius* Polygamy.

Diſtinction II.

SECT. I.

IN all the Iudiciall, in all the Ceremoniall Law delivered by *Moſes*, who was the moſt particular in his Lawes of any other, there is no abomination, no mention of this *Selfe-Homicide*. He teacheth what we ſhall, and ſhall not, eate, and weare, and ſpeake, and yet nothing againſt this. 1. No place offered out of Iudiciall nor Ceremoniall law.

SECT. II.

But the firſt place that I find offered againſt it is, in *Geneſis*. [*I will require your bloud wherein your lives are, at the hand of every beaſt will I re-* Of the place in *Geu.* 9. 5.

quire it ; and at the hand of man, even at the hand of a mans brother will I require the life of man ; who ſo ſheddeth mans bloud, by man ſhall his bloud be ſhed.]

2. We are not bound to accept the interpretations of the Rabbins.

And this place a very learned man of the Reformed Church, ſayes, the *Iewes* underſtand of *Selfe-homicide*. But ſhall wee put our ſelves under the *Iewes* yoake, (a) [*That if we finde in the* Rabbins, *things contrary to Nature, wee muſt dare to accuſe nothing but our owne weakeneſſe, becauſe their word is Gods Word, and if they contradict one another, yet both are from God.*]

a *Buxdorfius Synag. Iudaica ex Rabbi Iſaac cap: 1. fol. 62.*

b *Lyra in hunc locum*

3. Of *Lyra* and of *Sâ* his Hebraiſmes.

(b) *Lyra* who ſeldome departs from the *Iewes*, in matters not controverted between them, and us, toucheth upon no ſuch expoſition ; yet hee expounds it more then one way , and with liberty enough , and farre ſtraying.

c *Ema. Sâ Not: in univerſ: Scripe.*

And (c) *Emanuel Sâ*, who in his notes is more curious, and ſuperſtitious, in reſtoring all the Hebraiſmes, and oftentimes their interpretations, then perchance that Church would deſire at his hands, offers at no other ſenſe then the words preſent. Nor can *Selfe homicide* fall within the commination and puniſhment of that Law ; for how can the Magiſtrate ſhed his bloud, who hath killed himſelfe ?

SECT. III.

Of the place in *Deuter.* 33. 39.

The next is in *Deuteronomie* · [*I kill, and I give life.*] Out of which is concluded , that all authority

thority of life and death is from God, and none in our selves.

But shall we therefore dare to condemne utterly, all those states and governments, where Fathers, Husbands, and Masters, had jurisdiction over Children, wives, and servants lives? If we dare, yet how shall we defend any Magistracy, if this be so strictly accepted? and if it admit exceptions, why may not our case be within those?

4. Iurisdiction of Parents, Husbands, Masters, and Magistrates, must consist with this place.

Howsoever that this place is incongruously brought, appears by the next words, [*There is not any that can deliver from my hand*] or this being a Verse of that divine poem which God himselfe made and delivered *Moses*, as a stronger and more slippery insinuation and impression into the *Israelites* hearts, then the language of any Law would make, expresses onely that the mercies and judgements of God, are safe and removed from any humane hinderance, or interruption. So (a) in another gratulatory Song made by *Samuels* mother, the same words are repeated, [*The Lord killeth and maketh alive,*] and this because God had given her a son, when she was past hope. That place also in *Tobit* (b) is fitly paraleld with this, [*He leadeth to hell, and bringeth up, nor is there any that can avoid his hand.*] And can these two places be detorted to their purpose, That none but God may have jurisdiction over our temporall life? Or (c) that place of the book of *Wisdome*, which is also ever joyned, as of the same signification with these, [*for thou hast the power of life, and*

5. This place must be interpreted, as the other places of Scripture which have the same word, from which no conclusion can be wrested against this fact.

a 1. *Sam*: 2. 6.

b *Tob*: 13. 2.

c *Sap*: 16. 13.

and death] which is spoken of his miraculous curing by the Brazen Serpent. So that all these foure places have one respect and ayme, and none of them look towards our question.

SECT. IIII.

1. Of the place of Iob 7.1.

In the order of the Divine books, the next place is produced out of *Job*, [*Militia est vita hominis super terram.*] for, though our translation give it thus, [*Is there not an appointed time to man upon earth?*] yet the Latine Text is thus cited to this purpose, by some not addicted to the Vulgat Edition, because it seems in Latine better to afford an argument against *Self homicide*. For therupon they infer, that we may not depart at our own pleasure from the battell. But because onely the Metaphor and not the extending of it, nor inference upon it, is taken out of the Scripture, it brings no strong obligation with it, nor deserves much earnestnesse in the answer, yet to follow him a little in his Allusion, a)[*A Souldier may by Law, be ignorant of the Law, and is not much accusable if he transgresse it*] And by (b) another Law, it [*a Souldier whose presence is necessary for the safeguard of the Army, may be absent* causa Reipub. *and being absent, his absence shall be interpreted to be so.*] And (c) even to those which killed themselves in the Army, we noted before in the second part, That the lawes were not severe, if they had any colour of just cause: So that this figurative argument

2. Why they cite this place in Latine.

a *Digest. li: 22. tit: 6. le: 9.*

b *L. 4. tit: 6. leg: 44.*

3. Of souldiers priviledges of absence by law.

c *Supra*

gument profits then nothing, especially being taken from this place where the scope of *Job* was to prove that our felicity and end upon which our actions are bent, is not in this life, but as wars work to peace, so we labour here to death, to that happines which we shall have after. And therfore whosoever were author of that letter which hath (d) Christs name to *Abgarus*, doth not make Christ say, that when he hath done that for which he was sent hither, he will come to him, and take his offer of halfe his Kingdome, but that when he hath done, he will returne to him which sent him: That is he will die, so that if either side have advantage by this place of *Job*, we have it.

4. *Iobs* scope is, that as war work to peace So here we only labour to Death.

d *Euseb. l.1. cap.13.*

5. Of Christs letter to King *Abgarus*.

SECT. V.

And by the other place of *Job* much more, which is, [*Therefore my soule chuseth rather to bee strangled, and to die, then to be in my bones.*] Hereuupon they infer, That if it might have been lawfull to die so, *Job* would have done it. But besides that the wretched poverty and feebleneſſe of this manner of Negative arguments, *Iob* did it not, therefore he might not do it, we may perceive by the whole frame of the History, that God had chosen him for another use, and an example of extream patience. So that for any thing that appears in *Iobs* case, he might not lawfully doe it, becaus he could propose nothing but

1. Of the place *Iob* 7. 15.

2. Why this was not lawfull to *Job*.

his own ease. Yet *Iob* whose sanctity I thinke it sacriledge to diminish, whether he were a person or personate, in their confession strayed thus farre towards killing himselfe, as to wish his death, and curse his birth; for his whole third Chapter is a bitter and malignant invective against it, and a violent wishing of his own death.

3. His words seeme to shew some steps toward a purpose of *Selfe-homicide.*

(a) *Sextus Senensis* gives an answer for him so like all as it can admit or reach to no sense, which is, [*That cursing his birth day which then was past, he cursed nothing*]

4. *Sex: Sen:* and *Gregories* expolition thereof.

a *Sex: Sen: Biblio. Sanct. lib: 8. Heres. 10.*

And (b) Saint *Gregory* gives an answer so mysticall, as no sense can reach to it, which is, [*That there is a second birth into Sinne in this world, and* Job *cursed his entrance into that.*] And so because these words might bee readily taken for an inordinate wishing of death; *Gregory* provides them also a mysticall interpretation, for the Latine reading it thus, [*Suspendium elegit anima mea,*] he says, [*This was* Suspendium spirituale, *which was but an elevation of the minde, as S.* Paul *said, Christo crucifixus sum cruci*] But besides that this escape will not serve, when the Originall word is considered, and that the next verse is, *Desperavi, nequicquam ultra vivam*] in the twentieth verse, he chides God by the name of [*O thou preserver of men*] as being angry that he preserved him, [*Being now a burthen to himselfe, and would not leave him alone, whilst he might swallow his spittle.*] And he ends that Chapter thus, [*If thou seekest me in the morning, I shall not be found.*] This I say

b *Greg. Mor: l: 4. cap. 6.*

Gal: 2.

ſay, onely to ſhow that one whom none hath exceeded in holines, may without any detortion of his words, be argued to have ſtept farre towards a purpoſe of killing himſelfe. Who liſt to give any other conſtruction to his words ſhall not diſpleaſe me, nor impaire the ſtrength of our Propoſition.

And though I confeſſe, I have not read any to expound theſe words of *Iob* directly thus, and though I know the opinion in generall of his deſpairing, be thus much diſcredited, that it is held by the *Anabaptiſts*, yet, beſides that, it is not juſt nor ingenuous, to condemn all that a condemnd man ſays, (for even a leprous man may have one hand clean to take and give withall. And S. *Hier.* is inexcuſable, in that point of his ſlippery zeal, in his behaviour towards *Vigilantius*, yea the *Trent* Councell it ſelfe is obnoxious therein, for condemning Names of Authors, and not Books. Beſides this I ſay, the Anabaptiſts differ from me in their end and purpoſe, for they impute deſpaire to *Iob*, onely to infirme the Authority of the booke, which ſciſmatically they labour to rent from the Canon of Scripture: But I juſtly with the conſent of all Chriſtian Churches admitting it for ſuch, ſay, that *Iob* might keep his ſanctity, and the Book his Dignity, and yet he might have a purpoſe to kill himſelfe.

5. Wherin I differ from the Anabapt. who affirme that *Iob* deſpaired.

6. *S. Hierome* and the *Trent Councell* erre in condemning all which a condemned man ſaith.

For very many reverend Authors in the Reformed Church, not raſhly to be forſaken, have imputed to our moſt bleſſed Saviour, as neer approaches

7. Of them which impute deſpayre unto Chriſt.

proaches, to a more dangerous kind of desparre, then we impute to *Iob*, without diminishing him, or his Scriprures.

SECT. VI.

1. Of the place *Iob* 2. 4.

I finde also another place of *Iob* obtruded. [*Skin for skin, and all that ever a man hath will he give for life.*] From which words they argue a Naturall love in us to this life.

Let it be true, (though the Devill say it, for the words are his) that our sensitive Nature is too indulgent to this life, (though I feare I have offended and surfetted you in the first Part with Examples of meer Naturall and Sensitive men, which have chosen death,) yet will that prove that our Reasonable Nature may in no case correct that enormity? This is as strong against Gods outward calling us to him by sickness, or persecution, as against any such inward motions.

SECT. VII.

1. Of the place *Eccl.* 20. 16.

As unproperly, and unprofitably to their ends and purpose, do they offer that place of *Ecclesiasticus*, [*Non est census supra censum salutis Corporis*,] which I place here, though out of Order, because of the affinity betweene this place, and the last, and that one answer, is, at least, enough for them both. For, though this place may

may prove that wee naturally love this body, (yet it is not of the safety of the body, as if all men desired that the body might live, but it is of bodily health whilst it doth live,) yet it proves not, that wee may in no case abandon it.

2. This place is not of safety, but of health.

SECT. VIII.

The most proper, and direct, and strongest place is the Commandement; for that is of Morall Law, [*Thou shalt not kill*;] and this place is cited by all to this purpose.

1. Of the place *Exodus* 20.

But I must have leave to depart from (a) S. *Augustines* opinion here, who thinks that this Commandement is more earnestly bent upon a mans selfe, then upon another; because here is no addition, and in the other, there is, [*Against thy Neighbour*,] for certainely, I am as much forbid by that Commandement to accuse my selfe falsely, as my Neighbour, though onely he be named. And by this I am as much forbid to kill my neighbour as my selfe, though none be named. So, as it is within the circuit of the Command, it may also bee within the exceptions thereof. For though the words be generall, *Thou shalt not kill*, we may kill beasts; Magistrates may kill men; and a private man in a just warre, may not onely kill, contrary to the sound of this Commandement, but hee may kill his Father, contrary to another.

(a) 23. q. 5. *Si non licet.*

2. S. *August.* thinks this law to concerne ones self more directly then another.

3. This law hath many exceptions.

4. Lawes of the first Table are *strictioris vinculi*, then of the later.

When two naturall Lawes contrary to one another occurre, we are bound to that which is *strictioris vinculi.*

As all Lawes concerning the Honour of God, and Faith, are in respect of the second Table, which is directed upon our Neighbour by Charitie. If therefore there could bee a necessity, that I must doe an act of Idolatry, or kill, I were bound to the later.

5. A case wherin it is probable that a man must kill himself.

By which Rule, If perchance a publique exemplary person, which had a just assurance that his example would governe the people, should be forced by a Tyrant, to doe an act of Idolatry, (although by circumstances he might satisfie his owne conscience, that he sinned not in doing it,) and so scandalize and endanger them, if the matter were so carried and disguised, that by no way he could let them know, that he did it by constraint, but voluntarily, I say, perchance he were better kill himselfe.

a *Acatius de privil. l. c. 3.*

It is a safe Rule, [(a) *Iuri Divino derogari non potest, nisi ipsa derogatio juri Divino constet.*] But since it is not thought a violating of that Rule,

b *Navr. Manual. cap. 15. n. 2.*

[(b) *To kill by publique Authority or in a just Warre, or defence of his life, or of anothers,*] why may not our case be as safe and innocent?

c *Supra.*

If any importune me to shew this Priviledge, or exemption of this case from the Commandment, I may with (c) *Sotus* retort it, and call for their priviledge to kill a Day-thiefe, or any man in defence of another.

And

And as these Lawes may be mediately and secondarily deduced from the conformity of other Lawes, and from a generall Authority which God hath afforded all Soveraignes, to provide as necessities arise; So may our case bee derived as well from that necessary obligation which lyes alwayes upon us, of preferring Gods glorie above all humane respects. So that we cannot be put to shew, or pleade any exemption, but when such a case arises, wee say that that case never was within the reach of that Law. Which is also true of all the other which we called exemptions before.

6. As Lawes against Day-theeves may be deduced from the Law of God authorizing Princes, so may this from the Commandement, of preferring Gods glory.

For, whatsoever might have beene done before the Law, (as this might, if it be neither against Nature, nor Justice, from both which we make account that wee have acquitted it,) upon that, this Commandement never fell, not extended to it.

7 Whatsoever might have been done before the Law, this Law forbids not.

SECT. IX.

I have found also a place urged out of the Booke of *Wisdome*, which is, [*Seeke not death in the errour of your life.*] Which being ever coupled with another place in *Deuteronomie*, by collation of the two places it appeares, That that which is forbidden there, is Idolatry, and by Death is meant the *Second Death*, or the way to it.

1 Of the place *Sap.* 1. 12.

Deut. 4. 24.

And so this Distinction which was intended for

for the places cited from the Books of the old Testament, shall here have an end; and to the next we allow those of the New.

Distinct. III.

SECT. 1.

1. Of the place *Matt.* 4. 6.

OF which the first that I have observed is in *Matthew* when the Devil tempts Christ thus, [*If thou be the Son of God, cast thy self downe.*] With all Expositors I confesse, this was a temptation to vain glory, and therefore most appliabl to our case, where we make account, that we work somwhat to the service of God, and advancement of his glory, when we allow this to be done; and it is a very slippery passage, and a devout man were out of the nature of devotion, likelier to erre that way, then a worldly, but that the hand of God is extended to the protection of such.

2. Christ, where it conduced to his owne ends, did as much as the Devill did tempt him to, in this place.

But directly this place will not shake, nor attempt our proposition, for though Christ would not satisfie the Devill, nor discover himself, yet he did as much when it conduced to his owne ends, as the Devill tempted him to in this place, or the other; both in changing the species and nature

nature of water into Wine, and in expoſing himſelfe to certaine danger when he walked upon the waters. Chriſt refuſed no difficultie, nor abſtained from Miracles, when he knew he profited the beholders; nor doe I ſay, that in any other caſe, then when we are probably and excuſably aſſured, that it is to a good end, this may be lawfull to us.

SECT. II.

The next place is in the Acts of the Apoſtles. [*The keeper of the priſon drew out his Sword, and would have killed himſelfe, ſuppoſing the Priſoners had beene gone; But Paul cryed, Doe thy ſelfe no harme, for we are all here.*] To which I ſay, That by the ſame Spirit by which *Paul* being in the inner Priſon in the darke, knew what the Keeper thought, and what hee was about to doe without, hee knew alſo Gods purpoſe to be glorified in the converſion of him and his Family; and therefore did not onely reclaime him from that purpoſe, which was inordinate, and for his owne ſake, to eſcape puniſhment, (in which yet wee may obſerve how preſently Mans nature inclines him to this remedy) but alſo forbears to to make his benefit of this Miracle, and to eſcape away: and ſo, though he reſcue the Keeper, he betrayes himſelfe.

1. Of the place *Acts* 16. 17.

2. *S. Paul* knew Gods purpoſe of baptiſing the keeper.

3. Els ſaith *Calvin*, he had fruſtrated Gods way to give him an eſcape by the keepers death.

And therefore *Calvin* upon this place makes to himſelfe this objection, [*That* Paul *ſeeing all his*

his hope of escape to consist in the death of the Keeper, neglected that way of liberty which God offered him, when he restrained the Keeper from killing himself.] And he answers it onely thus, [*That he had a conscience and insight into Gods purpose and decree herein.*] For otherwise, if he had not had that (which very few attaine to have) it seemes he ought to have permitted the keeper to proceed, to facilitate thereby his way of escaping.

SECT. III.

1. Of the place *Rom.* 3. 8.

Which also inferres some answer to another place of Saint *Paul*, where hee delivers and discharges himselfe, and his fellow Apostles, of having taught this Doctrine, [*That a man might doe evill, that good might come thereof.*] And consequently it is well and by just Collection pronounced that he forbids that Doctrine.

2. How *Paul* forbids evil to be done for good.

And we also humbly subscribe to that Rule, and accept it so, as Saint *Paul* intends it; that is, in things which Nature, and not Circumstance makes evil. And in these also, when any such circumstance doth make them evill, as another circumstance to the contrary doth not præponderate and over-rule this. This therefore we must have liberty to enlighten with a larger discourse.

3. God always inflicteth *Malum pœnæ* by Instruments.

Of the evils which seeme to us to bee of punishment, of which kind Death is, God ever makes others his executioners; for the greatest

greateſt of all, though it be ſpirituall, which is Induration, is not ſo wrought by God himſelfe immediately, as his ſpirituall comforts are, but Occaſionally, and by Deſertion.

Sometimes in theſe God imployes his Angels, ſometime the Magiſtrate, ſomtimes our ſelves. Yet all which God doth in this life by any of theſe, is but Phyſicke: for (a) even excæcation and induration is ſent to further Salvation in ſome, and inflicted medicinally. And theſe m niſters and inſtruments of his, are our Phyſitians, and wee may not refuſe any bitterneſſe, no not that which is naturally poyſon, being wholeſomely corrected by them. For as in (b) Cramps which are contortions of the Sinewes, or in Tetars, which are rigors and ſtiffeneſſes in the Muſcles, wee may procure to our ſelfe a fever to thaw them, or we may procure them in a burning feaver, to condenſe and attemper our bloud againe, ſo in all rebellions and diſobediences of our fleſh, wee may miniſter to our ſelves ſuch corrections and remedies, as the Magiſtrate might, if the fact were evident. But, becauſe though for prevention of evill, wee may doe all the offices of a Magiſtrate upon our ſelves, in ſuch ſecret caſes, but whether we have that authority to doe it after or no, eſpecially in Capitall matters, is diſputable, and at this time, wee need not affirme it preciſely, I will examine the largeneſſe of that power no farther now.

4. Induration it ſelf is ſometime medicinall.

a *Aqui. 12. q. 79. ar. 4. con.*

b *Hippocrat. Aphor. l. 2. 38. 5.* Wee may correct in our ſelves one diſeaſe by another.

But descend to that kinde of evill, which must of necessity be understood in this place of *Paul*: which is, that we account naturally evill. And even in that, the Bishops of *Rome* have exercised their power, (c) to dispence with *Bigamy*, which is in their doctrine directly against Gods Commandement, and therefore naturally evill. So did (d) *Nicholas* the fift, dispense with a Bishop in *Germany*, to consult with Witches, for recovery of his health; and it were easie to amasse many cases of like boldnesse.

In like manner (e) the Imperiall Law tollerates Vsurie, Prescription *Mala fidei*, and Deceit *ad Medium*, and expressely allowes (f) Witchcraft, to good purposes. [*Conformably to which Law*, Paracelsus *sayes*, *It is all one whether God or the Devill cure, so the Patient be well.*]

And so the (g) Canons have prescribed certain rules of doing evill, when we are overtaken with perplexities, to chuse the least, of which (h) S. *Gregory* gives a naturall example, [*That a man attempted upon a high wall, and forced to leape it, would take the lowest place of the wall.*] And agreeably to all these, the (k) *Casuists* say, [*That in extreame necessitie, I sinne not if I induce a man to lend me mony upon usury; And the reason is, because I incline him to a lesse sinne, which is usury, when else he should be a homicide, by not relieving me.*] And in this fashion, (l) God himselfe is said to work evill in us, because when our heart is full of evill purposes, he governs and disposes

6. In things evill in such sence as *Paul* taketh them here, Popes dayly doe dispence.

c *Dist. 34. lector gloss.*

d *Bodinus Dæmon. l. c5.*

e *Windek de consens. et dissens. leg. et Can. ca. 11.*

7. So doe the Civill Laws.

f *Cod. tit. de malef. l. 4. §. eorum.*

g *Paracel. l. de morb. cad.*

h *Dist. 14. cap. Duo mala.*

i *Dist. ead. cap. Nerui.*

k *Nav. Man. c. 17. num. 263.*

8 So do Canons.

l *Bellar. de Amiss. grat. & stat. peccat. l. 2. c. 13. ex Hug. de viet. & Tho.*

9 So doth God occasion lesse sin to avoid greater.

diſpoſes us rather to this then to that evill, wherin though all the vitiouſneſſe be ours, and evill, yet the order is from God, and good. Yea, he doth poſitively encline one to ſome certain evill thus, That he doth infuſe into a man ſome good thoughts, by which, he, out of his vitiouſneſſe takes occaſion to thinke he were better doe ſome other ſinne then that which he intended. Since therefore all theſe lawes and practiſes concurre in this, that we ſometime doe ſuch evill, not onely for expreſſe and poſitive good, but to avoid greater evill, all which ſeems to be againſt this doctrine of S. *Paul*.

9. What any other may diſpence withall in us, in extremity we may diſpence within our ſelves. *Supra*.

And ſince, whatſoever any humane power may diſpence withall in us, we, in extream neceſſity, in impoſſibility of recourſe to better counſell, in an erring conſcience, and in many ſuch caſes, may diſpence with our ſelves, (for that Canon of *duo mala*, leaves it to our naturall reaſon, to judge, and value, and compare, and diſtinguiſh betweene thoſe two evills which ſhall concurre.)

10. Yet noe ſuch diſpenſation changeth the nature of things, therefore that particular was never naturally evill.

And ſince for all this, it is certaine, that no ſuch diſpenſation from another, or from my ſelfe, doth ſo alter the nature of the thing, that it becomes thereby the more or the leſſe evill, to mee there appeares no other interpretation ſafe, but this, That there is no externall act naturally evill; and that circumſtances condition them, and give them their nature; as ſcandall makes an indifferent thing hai-

nous at that time; which, if some person go out of the roome, or winke, is not so.

11. The Law it self is neither good nor evill.

The Law it selfe, which is given us as a light, that we might not stumble, and by which we see, not what is evill naturally (for that we see naturally, and that was so even, to us, before the law declared it) but what would bee evill (that is produce evill effects,) if we did it at that time, and so circumstanced, is not absolutely good, but in such measure, and in such respects, as that which it forbids is evill. And therefore (m) *Picus* comparing the Law, to the firmament, (as *Moses* accepts the word) as he observes, that the second day, when God made the firmament, he did not say, that it was good, as he did of every other days work; and yet it was not evill, (for then saith *Picus*, it could not have received the sunne, as if it had beene good, it had not needed it.) So he reprehends the *Manichees*, for saying that the Law was evill, yet he sticks to that of (n) *Ezechiel*, That it was not good. That evill therefore which by this place of S. *Paul* is forbidden, is either Acts of infidelity, which no dispensation can deliver from the reach of the Law, or els, such acts as being by our nature, and reason, and approbation of nations reputed evill, or declared by law or custome to be such, because of there ordinary evill effects, doe cast a guiltines upon the doer, ordinarily, and for the most part, and ever except his case be exempt and priviledged. This moved

12. As *Picus* notes comparing it to the firmament.

m *Heptapl. l. 7. proem.*

n *Ezech.* 20. 25.

13. What evill *Paul* forbids, and why.

moved *Chrysostome*, (whom I cited before) to think a ly, and a consent to adulterery, not evill in *Sarah*: and this rectified S. *Augustines* squeamishnes so farre, as to leave us at liberty, to think what we would of that wifes act, which to pay her husbands debt, let out her self one night. For if any of these thing had been once evill naturally, they could never recover of that sickneſse; but (as I insinuated before) as those things which we call miracles, were written in the history of Gods purpose, as exactly, and were as certainly to come to passe, as the rising and setting of the sunne, and as naturally, *in tota compagine naturæ*, (for there is no interlining in that book of God:) So in that his eternall Regiſter where he foresees all our acts, he hath preserued and defended, from that ordinary corruption of evill purpose, of inexcusable ignorance, of scandall, and of such other inquinations of indifferent things, (as he is said to have done our B. Lady from originall sinne in her inanimation,) Some of those acts of ours, which to those who doe not studiously distinguish circumstances, or see not the doers conscience, and testimony of Gods spirit, may at the first tast have some of the brackishnes of sin. Such was (o) *Moses* killing of the *Egyptians*, for which there appears no especiall calling from God. But because this falls not often: *S. Paul* would not embolden us, to do any of those things which are customarily reputed evill.

Supra.

14. Nothing which is once evill can ever recover of that

Supra.

15. Three acts were in God's decree preserued from those staines which make things evill, so as miracles were written in his book of nature, though not in our copy; and so, as our Lady is said to be preseru'd from originall sinne.

o *Exod.* 2. 12. 16. Such was *Moses* killing the Egyptian.

But

17. If this place be taken of all kind of evill, it must admit exception, as well as the Decalogu.

But if others be delighted with the more ordinary interpretation of this place, that it speaks of all that which we call sinne, I will not refute that interpretation, so they make not the Apostles rule, (though in this place this be not given properly and exactly for a rule;) more strickt than the morall præcepts of the *Decalogue* it self, in which, as in all rules there are naturally included and incorporated some exceptions, which if they allow in this, they are still at the beginning; for this case may fall within those exceptions.

18. Otherwise the application which *Bellarm.* and others make of it will be intollerable.
p *De cul. sanct. l. 4. cap. 7.*

Otherwise, that the generall application of this rule, is not proper, as by infinite other places, so it appears evidently by that in (p) *Bellarmine*, where he says, that by reason of this rule, a man may not with neglecting a poore neighbour, adorne a church; Yet there are a great many cases, wherein we may neglect this poore neighbour; and therefore that is not naturally evill. And certainly whosoever is delighted with such arguments, and such an application of this text, would not only have objected this rule to *Lot*, when he offered his Daughters, (for there it might have colour) but would have joyned with *Iudas*, when the woman anointed Christ; and have told her, that allthough the office which shee did were good, yet the waste which shee made first, was evill, and against this rule.

SECT.

SECT. IIII.

The same Apostle doth in divers other places use this phrase, *That we are the Temples of the Holy Ghost*; And from thence is argued, that it is an unlawfull Sacriledge to demolish or to deface those Temples. But wee are so the Temples of God, as we are his Images: that is, by his residing in our hearts.

Of the places 2 *Cor.* 6. 16. 1 *Cor.* 3. 16. & 6. 16.

And who may doubt, but that the blessed Soules of the departed, are still his Temples, and Images? Even amongst heathens, those Temples which were consecrated to their gods, might in cases of publique good or harme, be demolished, and yet the ground remaine sacred.

19 The dead are still his Temples, and Images. *Silvius Com. ad leges.*

And in the two first places, is onely a Dehortation from polluting our hearts which are Gods Temples, with Idolatry, or other sinne. In the other place he calles our materiall body, the temple: and he makes it to us an argument that we should flye from fornication, because therein wee trespas against our owne body. And so here arises a double argument, that we may not doe injurie to our owne body, neither as it is ours, nor as it is Gods.

20 Heathens temples might be demolished, yet the soile remain sacred.

In the first of these then, he sayes, [*A Fornicator sinnes against his body*;] for as hee sayd two verses before, [*Hee makes himselfe one body with an Harlot*,] and so hee diminishes the dig-

21 *Pauls* reason is in Cases where we avile our selves: here wee advance our selves.

nity of his owne perſon. But is it ſo, in our Caſe? When he withdrawes and purges it from all corruptions, and delivers it from all the inquinations, and venime, and maligne Machinations of his, and Gods adverſaries, and prepares it by Gods inſinuation and concurrence, to that glory, which without death, cannot bee attained.

Is it a leſſe dignitie, that himſelfe bee the Prieſt of God, and that himſelfe be the Sacrifice of God, then that he be the Temple? But ſayes *Paul*, [(a) *Your body is the Temple of God, and you are not your owne.*] But ſaies *Calvine* here, you are not ſo your owne, that you may live at your owne will, or abuſe your body with pollutions and uncleanneſſe. Our body is ſo much our owne, as we may uſe it to Gods glory, and it is ſo little our owne, as when hee is pleaſed to have it, we doe well in reſigning it to him, by what Officer ſoever he accept it, whether by Angell, Sickneſſe, Perſecution, Magiſtrate, or our ſelves. Onely bee carefull of this laſt leſſon, in which hee amaſſes and gathers all his former Doctrine, [(b) *Glorifie God in your body, and in your ſpirit, for they are his.*]

a *Verſ.* 19. 22 That our body is not our own, how it is to be underſtood here in *Paul.*

b *Verſ.* 20.

SECT. V.

The place of the *Epheſians* hath ſome affinity with this; which is, [*But let us follow the truth in*

1 Of the place *Epheſ.* 4. 15. 16

in love, and in all things grow up into him, which is the head, that is Christ, till we are all met together, unto a perfect man.] By which wee receive the honour to be one body with Christ our head; which is (a) after more expressely declared, [*We are Members of his body, of his flesh, and of his bone.*] And therefore, they say, that to withdraw our selves, which are limmes of him, is not onely homicide of our selves, who cannot live without him, but a Paricide towards him, who is our common Father.

a Cap. 5. v. 30.

But as in Fencing, Passion layes a man as open as unskilfulnesse, and a troubled desire to hitt, makes one not onely misse, but receive a wound; so out of an inordinate fervour, to strike home, hee which alledgeth this place, overreacheth to his owne danger; for onely this is taught herein, that all our growth and vegetation flowes from our head, Christ. And that he hath chosen to himselfe for the perfection of his body, limmes proportionall thereunto, and that, as a soule through all the body, so this care must live, and dwell in every part, that it be ever ready to doe his proper function, and also to succour those other parts, for whose reliefe or sustentation it is framed, and planted in the body. So that herein there is no litterall construction to be admitted, as though the body of Christ could be imperfited, by the removing of any man. For, as from a tree, some leaves passe their naturall course and season, and

fall againe being withered by age, and ſome fruits are gathered unripe, and ſome ripe, and ſome branches which in a ſtorme fall off, are carryed to the fire; So in this body of Chriſt, the Church, (I meane that which is viſible) all theſe are alſo fulfilled and performed, and yet the body ſuffers no maims, much leſſe the head any detriment.

2. This place gives arguments to all which ſpare not themſelves for reliefe of others.

This place therefore is ſo farre from giving encouragement to any particular man to be carefull of his owne well being, as the Expoſitors (of what perſwaſion ſoever in controverted points) accept from hence an argument, that for the eſtabliſhing, and ſuſtentation of the whole body, a man is bound to depart with all reſpects to himſelfe, and give his life to ſtrengthen them which are weake.

And this place, as a common Conduit head hath affoorded juſtification for Martyrdomes, for peſtilent viſitations, and for all thoſe Deſertions of our ſelves, and of our naturall right of preſerving our ſelves, which wee had occaſion to inſiſt upon before.

SECT. VI.

1. Of the place *Eph.* 5.

As therefore that conſtruction doth well conſiſt with thoſe words, ſo doth it alſo with the words in the next Chapter, [*No man ever hated his owne fleſh, but nouriſhed it, &c.*] Of which Hate, becauſe we are to ſpeake when wee come to

to Christs Commandement of Hating our life, we will here onely say, with (a) *Marlorate* upon this place, [*He hates not his flesh, who hates the desires thereof, and would subject it to the Spirit: no more then a Goldsmith hates that gold, which hee casts into a furnace to purifie, and reduce to a better fashion.*] And, because out of the Armory of Scripture I have not found that they take any better weapons, nor any more, we may here end this Distinction.

a *Marlor. in hunc locum.*

2. How *Marlor.* expounds this hate.

Distinction IV.

SECT. I.

IN the next our busines is, to try of what force and proofe their armes are against their adversaries forces. Of which we shall oppose two sorts; The first naturall and assured Subjects, which are, Reasons arising naturally from places of Scripture, and these, in this distinction; The other, Examples, as Auxiliaries. For though we rely not upon them, yet we have this advantage in that kind, that our aduersaries can make no use, nor profit of Examples. And therefore that answer which both *Peter Martyr*, and *Lavater* from him make, that we must not live by examples, and that if examples proved

1. Of places of scriptures on the other part.

2. We may, but our adversaries may not make use of examples. to which the answer of *Martyr* and *Lavater* is weake.

any thing they had the ſtronger ſide, (that is, there have beene more men which have not killed themſelves, then which have,) may well ſeeme from peremptorineſſe, and lazineſſe, and impoſſibillity of better defence, to have too much allay, to be currant. To prepare us therefore to a right underſtanding, and application of theſe places of ſcriprure, we muſt arreſt awhile vpon the nature, and degrees, and effects of charity; the mother, and forme of all vertue; which ſhall not onely lead us to heaven, (for faith opens us the doore) but ſhall continue with us when we are there, when both Faith, and Hope, are ſpent and uſeleſſe.

3. The Nature, degrees, and effects of Charity.

We ſhall no where find a better pourtrait of charity, then that which S. *Auguſtine* hath drawne: ſhe loves not that which ſhould not be loved; ſhe neglects not that which ſhould be loved; ſhe beſtowes not more love upon that, which deſerves leſſe; nor doth ſhe equally love more and leſſe worthines; nor upon equall worthines, beſtow more and leſſe love. (a) To this charity the ſame bleſſed and happy Father, proportions this growth. [*Inchoated, increaſed, growne great, and perfected, and this laſt is, ſaith he, when in reſpect of it, we contemne this life*] And yet he acknowledgeth a higher charity then this. For (b) *P. Lombard* allowing charity this growth, [*beginning, proficient, perfect, more, and moſt perfect.*] he cites (c) S. *Auguſtine* who calls [*that perfect charity to be readie*

4. S. *Auguſt.* pourtraite of her.

a *De natura et gratia cap. ult.*

5. Of her higheſt perfection, beyond that which *P. Lombard* obſerved out of *Aug.*

b *Lomb. l. 3. Diſt. 3.*

c *In epiſt. Io. tract. 5.*

die to dy for another.] But when he comes to that, then which none can be greater, he ſays then, the Apoſtle came to (d) *cupio diſſolvi.*

For as [(e) *one may love God with all his heart, and yet he may grow in that, and love God more with all his heart, for* (f) *the firſt was commanded in the Law, and yet* (g) *counſail of perfection was given to him, who ſaid that he had fulfilled the firſt commandement,*] So as S. *Auguſtine* found a degree above that charity, which made a man *paratum ponere* which is *cupere,* ſo there is a degree above that, which is to doe it.

This is that vertue, by which (h) Martyrdome, which is not ſuch of it ſelf, becomes an act of higheſt perfection.

And this is that vertue, which (i) aſſureth any ſuffering which proceeds from it to be infallibly accompanied with the grace of God. Vpon aſſurednes therefore, and teſtimony of a rectified conſcience, that we have a charitable purpoſe, let us conſider how farre we may adventure upon authority of Scripture in this matter which we have in hand.

d *Phil.* 1.23

e *Serarius triherefi. l.* 1. *ca.* 8.

f *Deut.* 6. 5.

g *Mat.* 5. 6. He who loves God with all his heart, may love him more

h *Aqui.* 22. *q.* 124. *ar.* 3.

i *Aqui.* 22. *q.* 136. *ar.* 3. 7. Any ſuffering in charity hath infallibly the grace of God. By *Aquin.*

SECT. II.

Firſt therefore by the frame and working of Saint *Pauls* argument to the *Corinthians*, [*Though I give my body that I be burned, and have not love, it profiteth nothing.*] Theſe two things appeare evidently.

1. Of the place 1 *Cor.* 13. 4.

First,

First, That in a generall notion and common reputation, it was esteemed a high degree of perfection to dye so, and therefore not against the Law of Nature. And secondly, by this exception, *(without Charity)* it appeares, that with Charity it might well and profitably be done.

2. By this in common reputation, that was a degree of perfection to dye so. And charity made it acceptable.

For the first, if any thinke that the Apostle here takes example of an impossible thing, as when it is sayd, [*If an Angel from heaven teach other doctrine,*] he will, I thinke, correct himselfe, if he consider the former verses, and the Apostles progresse in his argument; wherein to dignifie Charity, the most that hee can, hee undervalues all other gifts, which were there ambitiously affected.

3. *Paul* speaks of a thing which might lawfully be done, for such are all his gradations in this argument.

For Eloquence he sayes, it is nothing to have all Languages, no not of Angels; which is not put literally, for they have none; but to expresse a high degree of Eloquence, as *Calvine* sayes here. Or, as *Lyra* sayes, by language of Angels is meant, the desire of communicating our conceptions to one another. And then he adds, That knowledge of Mysteries and Prophecies, is also nothing; which was also much affected. And for Miraculous Faith, it is also nothing.

5. Tongues of Angels in what sence in this place.

Calvin.

5. Speech in the Asse, understanding of mysteries in *Iudas*, miraculous faith make not the possessor the better.

For the first of these guifts, doth not make a man better; for *Balams* Asse could speake, and was still an Asse. And the second *Judas* had, and the *Pharisees*. And the third is so small a matter, that as much as a *graine of Musterseed is enough*

enough to remove mountaines. All theſe therefore were faiſable things, and were ſometimes done. So alſo, after he had paſſed through the gifts of knowledge, and gifts of utterance, hee preſents the gifts of working in the ſame manner; and therefore, as he ſayes, *If I feed the poore with all my goods,* (which he preſents as a harder thing then either of the other, (for in the other God gives me, but here I give other) yet poſſible to be done.) So he preſents the laſt, *If I give my body,* as the hardeſt of all, and yet, as all the reſt, ſometimes to be done.

That which I obſerved ſecondly to ariſe from this argument, was, That with Charity ſuch a death might be acceptable. And though I know the *Donatiſts* are ſaid to have made this uſe of theſe words, yet, becauſe the intent and end conditions every action, and infuſes the poyſon, or the nouriſhment which they which follow ſuck from thence, and we know that the *Donatiſts* rigorouſly and tyrannouſly racked and detorted thus much from this place, That they might preſent themſelves to others promiſcuouſly to bee killed, and if that were denied to them, they might kill themſelves, and them who refuſed it.

6 How I differ from the *Donatiſts* arguing from this place, that in charity *ſelfhomicide* was alwaies lawfull.

Yet, I ſay, I doubt not but thus much may naturally be collected from hence, that by this word, *If I give my body,* is inſinuated ſomewhat more then a prompt and willing yeelding of it, when I am enforced to it, by the

7 To give my Body, is more then to let it be taken.

perſecuting Magiſtrate.

Metaph. in Niceph. Martyr.

8 How *Nicephorus* the martyre, gave his body in *Sapritius* his roome, who recanted.

And that theſe words will juſtifie the fact of the Martyr *Nicephorus*, being then in perfect Charity. Whoſe caſe was, That having had ſome enmitie with *Sapritius*, who was brought to the place where he was to receive the bloudy crowne of Martyredome, he fell downe to *Sapritius*, and begged from him then, a pardon of all former bitterneſſes. But *Sapritius* elated with the glory of Martyredome, refuſed him; but was preſently puniſhed; for his faith coold, and he recanted, and lived. And *Nicephorus* ſtanding by, ſtepped into his roome, and cryed, I am alſo a Chriſtian, and ſo provoked the Magiſtrate to execute him; leaſt from the faintneſſe of *Sapritius*, the cauſe might have received a wound, or a ſcorne. And this I take to bee *Giving of his body.*

9 There may be a caſe that a man bound to give his body, cannot doe it otherwiſe then by *ſelfe-homicide.*

Of which, as there may be ſuch neceſſitie for confirming of weaker Chriſtians, that a man may be bound to doe it, as in this caſe, is very probable. So there may bee caſes in men very exemplary, and in the cunning and ſubtile carriage of the Peſecutor, as one can no other way give his body for teſtimony of Gods truth, to which he may then be bound, but by doing it himſelfe.

SECT.

SECT. III.

As therefore Naturally and Customarily men thought it good to dye so, and that such a death with charity was acceptable, so is it generally said by Christ, [*That the good Shepherd doth give his life for his sheepe.*] Which is a justifying and approbation of our inclination thereunto. For to say, The good doe it, is to say, They which doe it are good.

1 Of the places *Joh.* 10. 11. & *Joh.* 15. 13.

And as we are all sheep of one fold, so in many cases, we are all shepherds of one another, and owe one another this dutie, of giving our temporall lives, for anothers spirituall advantage; yea, for his temporall. For (a) that I may abstaine from purging my selfe, when anothers crime is imputed to me, is grounded upon such another (b) Text as this, where it is said, *The greatest love, is to bestow his life for his friend.* In which, and all of this kind, we must remember, that we are commanded to doe it so, as Christ did it; and how Christ gave his body, we shall have another place to consider.

2 I need not purge my self, when anothers crime is imputed to me.

a *Sot. de teg. Secret. Memb.* 1. *q.* 3.

b *Joh.* 15. 13.

SECT. IV.

Hereupon because Saint *Peters* zeale so forward, and carried him so high, that hee would dye for the Shepherd; for so he saies, [*I will lay downe my life, for thy sake.*] And this, as all

1 Of the place *Ioh.* 13. 37.

2 *Peters* readineſſe was naturall. *Pauls* deliberate.

Expoſitors ſay, was meerely and purely out of naturall affection, without examination of his owne ſtrength to performe it; but preſently and roundly Nature carryed him to that promiſe. And upon a more deliberate and orderly reſolution, Saint *Paul* witneſſeth of himſelfe ſuch a willingneſſe to dye for his brethren, [*I will be gladly beſtowed for your ſoules.*]

2 *Cor.* 12.15.

SECT. V.

1 Of the place *Iob.* 10.15.

A Chriſtian nature reſts not in knowing thus much, That we may doe it, That Charitie makes it good, That the good doe it, and that wee muſt alwaies promiſe, that is, encline to doe it, and doe ſomething towards it, but will have the perfect fulneſſe of doing it in the reſolution and doctrine, and example of our bleſſed Saviour, who ſaies, *de facto*, [*I lay down my life for my ſheepe.*] And ſaith *Muſculus*, hee uſeth the preſent word, becauſe hee was ready to doe it: and as (a) *Paul* and *Barnabas*, men yet alive; are ſaid to have laid downe their lives for Chriſt.] But I rather thinke, (becauſe expoſing to danger, is not properly call'd a dying,) that Chriſt ſaid this now, becauſe his Paſſion was begun; for all his converſations here were degrees of exinanition.

2 Why Chriſt ſaies this in the preſent time.

a *Act.* 15.26.

3 Of the aboundant charity of Chriſt.

To expreſſe the abundant and overflowing charitie of our Saviour, all words are defective; for if we could expreſſe all which he did, that came

came not neere to that which he would doe, if need were. It is obſerved by (b) one, I (confeſſe, too credulous an Authour, but yet one that adminiſters good and wholeſome incitements to Devotion,) That Chriſt going to *Emaus* ſpake of his Paſſion ſo ſleightly, as though he had in three dayes forgot all that he had ſuffered for us.

And that Chriſt in an apparition to Saint *Charles*, ſayes, that he would be content to dy againe, if need were.

Yea, to (c) Saint *Brigit* he ſaid, [*That for any one ſoule he would ſuffer as much in every limme, as he had ſuffered for all the world in his whole body.*]

And (d) this is noted for an extreame high degree of Charity, out of *Anſelme*, that his B. Mother ſaid, [*Rather then he ſhould not have been Crucified, ſhee would have done it with her owne hands.*

And certainly his charity was not inferiour to hers; He did as much as any could be willing to doe. And therefore, as himſelf ſaid, [*No man can take away my ſoule*] And [*I have power to lay it down*;] So without doubt, no man did take it away, nor was there any other then his own will, the cauſe of his dying at that time; many Martyrs having hanged upon Croſſes many days alive: And the theeves were yet alive; And therefore (e) *Pilate* wondred to heare that Chriſt was dead. [*His Soule, ſaith* (f) *S. Aug.*

b *De Suidone. pa. 1. Notæ in Ca. 11.*

4 Of his ſpeech going to *Emaus.*

5 Of his Apparition to Saint *Charles.*

c *Revel. Brig. l. 1. ca. 59.*

6 Of the Revelation to St. *Brigit.*

d *Suidon. p. 1. Not. in Ca. 16.*

7 Of his Mothers Charitiy.

8 That none could take away his ſoule.

9 His owne will the onely cauſe of his dying ſo ſoone, by St. *Aug.*

10 And by *Aquin.* becauſe he had all his ſtrength.

e *Mar. 15.*

f *De Trinit l. 1. cap. 13.*

did not leave his body constrained, but because he would, and when he would, and how he would.] Of which (g) S. *Thomas* produces this symptome, That he had yet his bodies nature in her full strength, because at the last moment he was able to cry with a loud voice. And (h) *Marlorate* gathers it upon this, that whereas our heads decline after our death by the slackness of the sinews and muscles, Christ did first of himself bow downe his head, and then give up the ghost. So, though it be truly said (i) [*After they have scourged him, they will put him to death,*] yet it is said so, because malitiously and purposely to kill him they inflicted those paines upon him; which would in time have killed him, but yet nothing which they had done occasioned his death so soone.

And therefore (k) S. *Thomas*, a man neither of unholy thoughts, nor of bold or irreligious or scandalous phrase or elocution, (yet I adventure not so farre in his behalfe as (l) *Sylvester* doth, [*that it is impossible that hee should have spoken any thing against faith or good manners,*] forbeares not to say, [*That Christ was so much the cause of his death, as he is of his wetting, which might and would not shut the windowe, when the raine beats in.*]

This actuall emission of his soule, which is death, and which was his own act, and before his naturall time, (m) (which his best beloved Apostle could imitate, who also died when he would, and went into his grave, and there gave up

g 3. q. 47. ar. 1. ad 2.
h *Mat.* 27. 50.
11. And by *Marl.* because he bowed his head, and it fell not, as ours in death.
i *Luc.* 18. 33.
12 How it is true that the Jewes put him to death.
13. Of *Aquin.* and *Sylvesters* opinion of him.
k 2. q. 47 ar. 1. *Con.*
l *Verbo matrimonium.*
14. Christ was so the cause of his death, as he is of his wetting, which might, and doth not shut the window in raine by *Aqui.*
15. Who imitated Christ in this actuall emission of the soule.
m *Aquin. supr. Ioh. cap.* 21.

up the Ghost, and buried himselfe, which is reported but of very (n) few others, and by no very credible Authors,) we find thus celebrated, (o) That that is a brave death, which is accepted unconstrained; and that it is an Heroique Act of Fortitude, if a man when an urgent occasion is presented, expose himselfe to a certaine and assured death, as he did.

And it is there said, that Christ did so, as *Saul* did, who thought it foule, and dishonourable to dye by the hand of an Enemy. And that *Apollonia*, and others who prevented the fury of Executioners, and cast themselves into the fire, did therein immitate this act of our Saviour, of giving up his soule, before hee was constrained to do it. So that if the act of our blessed Saviour, in whom there was no more required for death, but that he should wil that his soule should goe out, were the same as *Sauls*, and these Martyrs actuall furtherance, which could not dye without that, then wee are taught that all those places, of *Giving up our bodies to death*, and of *Laying downe the soule*, signifie more then a yeelding to death when it comes.

n *Sophro. prat. Spir. cap. 90. de pater. Anco. Et Surius To. 1. feb. de Sever. Raven.*

m *Sind. Not. in c. 11. ad 6.*

16. Vpon what reasons this fashion of dying in Christ is calld Heroique, and by like epithites.

17. Christ is said to have done herein as *Saul* and *Apol.* and such.

SECT. VI.

And to my understanding there is a further degree of alacrity, and propensenesse to such a death, expressed in that phrase of *John*, [*Hee that hateth his life in this world, shall keepe it unto life*

1 Of the places *John* 12. 25. and *Luc.* 14. 26.

life eternall. And in that of *Luke*, [*Except he hate his owne life, he cannot be my Disciple.*] Such a lothnesse to live is that which is spoken of in the *Hebrews*, (a [*Somewere rack'd, and would not bee delivered, that they might receive a better Resurrection.*]

a *Heb.* 11. 35.

b *In Ioh.* 12. 25.
2. Iesuites apply particularly this hate.
c *Reg. Iesuit. Constit. spirit.* 8.

This place (b) *Calvine* interprets of a readinesse to dye, and expresses it elegantly, To carrie our life in our hands, offering it to God for a Sacrifice. And this (c) the Jesuits in their rule extend thus farre, [*Let every one thinke that this was said directly to him, Hate thy life.*]

3. If the other place, noe man hates his owne flesh, be against homicide; This must be for it.
4. S. *August.* denies that this place justifies the Donatists. but not in all cases.

And they who in the other place, accept this phrase, *No man hateth his owne flesh*, to yeeld an argument against *Selfe-homicide* in any case, must also allow that the same hate being commanded here, authorises that act in some case.

And Saint *Augustine* apprehending the strength of this place, denies that by the authoritie of it, the *Donatists* can justifie their *Selfe-homicide* when they list to dye, but yet in these cases which are exempt from his rules; this place may encourage a man not to neglect the honour of God, onely upon this reason, that no body else will take his life.

SECT. VII.

1. Of the place 1. *Iohn* 3. 16.

And therefore the holy ghost proceeds more directly in the first Epistle of Saint *Iohn*, and shews us a necessary duty, [*Because he laid downe his*

his life for us, therefore we ought to lay downe our lives for our brethren.] All these places work us to a true understanding of charity, and to a contempt of this life, in respect of it.

And as these informe us how ready we must be, So all those places which direct us by the example of Christ, to doe it as he did, shew, that in cases when our lives must be given, we neede not ever attend extrinsique force of others, but as he did in perfect charity, so we in such degrees of it, as this life, and our nature are capable of, must dy by our owne will, rather then his glory be neglected, whensoever, (a) as *Paul* saith, Christ may be magnified in our bodies, or the spirituall good of such another as wee are bound to advance, doth importune it.

2. All these places direct us to do it, as Christ did it, unconstraind.

a *Phil.* 1. 20.

SECT. VIII.

To which readines of dying for his bretheren, Saint *Paul* had so accustomed himself, and made it his nature, that but for his generall resolution of doing that ever which should promove their happines, he could scarce have obtain'd of himself leave to live. For, at first he says, he knew not which to wish, life or, death; (and therefore generally without some circumstance incline or avert us, they are equall to our nature.) Then after much perplexity, he was resolved, and desired to be loose, and to be with Christ; (therefore a holy man may wish it.) But yet he corrected

1. Of the place *Phil* 1. 23.

2 Of S. *Pauls* gradations to this wish; and his correcting of it.

and noble zeale, exalt *Moses* so much, as to desire to restore such a Nation to the love of God, by his owne destruction.

For, as certainely the first of these was without sinne, so the other might be, out of an habituall assuredness of his salvation, as (a) *Paulinus* sayes, to *Amandus*, [*Thou maist bee bold in thy prayers to God for mee, to say, forgive him, or blot out me, for thou canst not bee blotted out; Iustum delere non potest Iustitia.*] And thus retaining ever in our minds, that our example is Christ, and that he dyed not constrained, it shall suffice to have learned by these places, that in Charitie men may dye so, and have done, and ought to doe. The last thing which remaines yet, is to consider the Examples reported in the Scriptures: which cannot possesse us long; because a few Rules will include many examples; and those few rules which are applyable to these Histories, have been often iterated already; and, for other Rules, which may enlighten and governe us in all occurrences, for many Reasons I respite to a maturer deliberation and discourse.

a *Pont. Paul. ad Amand. Epist. 2.*

4. How by *Paulinus* a just man may safely say to God, *Dele me,*

Distinct.

Distinct. V.

SECT. I.

AS when I entred into the examination of places of Scriptures, it seemed to me to have some weight, that in all the Judiciall and Ceremoniall Law, there was no abomination of *Selfe-homicide*.

1. Of examples in Scriptures.

So doth it, That in relating the Histories of them who killed themselves, the phrase of Scripture never diminishes them by any aspersion or or imputation for that fact, if they were otherwise vertuous, nor aggravates thereby their former wickednesse, if they were wicked.

2. The phrase of Scriptures, never imputes this act to any as a sin, when it relates the history.

For my part, I am content to submit my self to that Rule, which is delivered from (a) *Iraneus*, [*That those things which the Scripture doth not reprehend, but simply lay downe, it becomes not us to accuse; nor to make our selves more diligent then God; but if any thing seeme to us irregular, our endeavour must be, to serch out the Type, and signification thereof.*]

a *Schultet. Medul. patr. pag. 1. in l. 4. Irenæi.*

3. *Irenæus* forbids us to accuse where God doth not.

Neither shall I, for all this, be in danger of (b) *Bezaes* answer to that Argument of *Ochius*, That though some of the Patriarches lived unreprehended in Polygamie, it concluded nothing, because (saith *Beza*) The silence of Scripture in

4. *Bezas* answer to *Ochius* reason, that some Patriarchs lived in polygamy reacheth not our case.

b *Beza de polyg. fo. 7.*

c *Gen.* 29.
d *Gen.* 9.
e 2 *Sam.* 9. 2.

(c) *Jacobs* Inceſt, and in (d) *Lots*, and in (e) *Davids* unjuſt judgement; For *Siba* doth not deliver them from guiltineſſe and tranſgreſſion therein.

5 For it is not evident, that this is ſinne, by any other place of the Law; which was in all his caſes. And here many examples concurre.

For our caſe differs from all others, both becauſe this act is not from any place of the Law evicted to be ſinne. And becauſe here is a concurrence of Examples, of this fact without any reprehenſion: So that that anſwere is ſo farre ſhort from reaching us, that it reached not home to that argument of *Ochius* againſt which it was oppoſed. And if in debating theſe Examples, it be found, that ſome very reverend Authors, have concluded impenitence, and conſequently utter deſertion on Gods part, and ſo eternall periſhing; the circumſtances as they appeared to him then, may have made his judgement juſt: but for any other thereupon to apply that caſe to others, will not be ſafe. For (f) [*Though a Iudgement* in cauſa verſanti *interprèt the Law, that Interpretation makes not Law.*]

f *Acacius de privileg. l. 1. c. 3*

SECT. II.

1 Of Acts which were not fully ſelfe-murders, but approaches.
2 1 *Reg.* 20. 35

As therfore in the former Diſtinctions wee ſpoke of ſome approaches to the act of ſelf-killing, ſo will wee in this pauſe a very little upon two ſuch ſteps. (a) The firſt ſhalbe of the prophet in the book of *Kings*, [*who bad a ſtranger ſtrike him, and becauſe he would not pronounce a heavy judgement upon him, which was preſently*

ſently excecuted. And then he importuned another to doe it, who did it throughly, for he wounded him with the ſtroake.] This was, to common underſtanding an unnaturall thing, that ſo holy a man ſhould make ſuch meanes to have his body violated; and ſo it ſeems the firſt apprehended it, however it pleaſed God to enlighten the ſecond. This I produce not as though the prophet inclind to it of his owne diſpoſition, for it is expreſſely in the text, that God commanded him to doe it.

2 Of the Prophet who punished him who would not ſtrike him.

But becauſe this is the only place in all the ſcriptures, where thoſe which offer, or deſirously admit violence to their owne bodies, are ſaid to have done it, by the expreſſe motion of God, I collect from it, that it is not without ſome boldneſs, if others affirme without authority of the text, that the death of *Samſon* and others, had the ſame foundation, when it appeares by this, that God when he would have it underſtood ſo, is pleaſed to deliver it plainly and expreſſely.

3 That when God invites men to ſuch violence, hee ſayes ſo plainly. And therefore ſuch particular invitations may not be preſumed, where they are not expreſſed.

SECT. III.

The next before we come to thoſe who entirely killed themſelves, is *Ionas*, who by often wiſhing his own death, and moving the marriners to caſt him out into the ſea, made many ſteps towards the very act. I know that it is everie where ſaid, that thoſe words, (a) [*Take mee, and*

1 Of *Ionas*.

a 1. 12.

and cast me into the Sea,] proceeded from a prophetique spirit; And (b) St. *Hierome* saith [*that in this prophetique spirit, he foresaw that the* Ninivites *would repent, and so his preaching would be discredited.*] But if this be so, must he not also in the same Prophetique Spirit see, that their repentance must be occasioned by his going thither and preaching there? And if this perswading to his destruction, being now innocent in their understanding; for they prayed, [*Lay not innocent bloud upon us.*] were from Divine motion, shall wee dare to impute also to like motions and spirit, his angry importuning of death? [*Take I beseech thee, my life from me, for it is better for me, to dye then to live.*] And after he wished from his heart to dye, and said, [*I doe well to be angry unto the death.*]

(c) St. *Hierome* calles him *Sanctum Ionam*; and when *Lyra* observes that he had not done so, to any of the other Prophets, he concludes, that this testimony needed most in *Ionas*, who by his many reluctations against Gods will, might else fall into some suspition of eternall perishing. Which since we must be far from fearing in so eminent and exemplary a type of Christ, and yet have no ground to admit any such particular impulsion of Gods Spirit, as *Hierome* and *Lyra* pronounce him holy, for all these reluctations; so may we esteeme him advised, and ordinate, and rectified, for all these approches, which in wishing and consenting he made to his owne death.

b *Procm. in Com. in Iona.*

Vers. 14.

43.

9.

c *Lyra prolog. in Iona.*

2 Why Saint *Hier.* calls only *Ionas*, of all the Prophets, Holy.

SECT.

SECT. IV.

Of those which in the Scriptures are registred to have killed themselves, *Samson* is the first. A man so exemplar, that not onely the times before him had him in Prophecy, (a) (for of him it is said,) [*Dan shall judge his people,*] and the times after him more consummately in Christ, of whom he was a Figure, but even in his own time, other nations may seeme to have had some Type, or Copy of him, in *Hercules*.

1. Of *Samson* *Judg.* 16.

a *Pererius in Gen.* 49. 16.

His fact of selfe-killing is celebrated by the Church to everlasting memory, as the act of a Martyr; and as very many others in their Homilies and expositions.

2 The church celebrates him as a Martyr.

So that renowned (b) *Paulinus* sayes, [*God send me the death of* Sampson, *and* Sampsons *blindnesse, that I may live to God, and looke to God.*]

b. *Paul. Sever. Epist.* 4.

3 *Paulinus* wishes such a death.

And this generall applause and concurrence in the praise of the fact, hath made many think, or at least write, that he purposed not to kill himselfe: being loath either to depart from their opinion who extoll him, or to admit any thing which may countenance that manner of dying. Of which perswasion (c) two very learned men labour to seeme to be.

4 They which deny that he meant to kill himselfe, are cofuted by the text.

c *Fran. de Vict. in relect. de Hom. Greg. Valent. tom.* 3. *disp.* 5. *q.* 8. *p.* 2.

But, besides that such an exposing of himselfe to unevitable danger, is the same fault as

Selfe-homicide, when there is any fault in it, the very Text is against them; for *Samson* dyed with these words in his mouth, (d) [*Let mee lose my life with the Philistims.*]

d *Jud.* 16. 30.

And though sometimes these Authors adde, That hee intended not his owne death principally, but accidentally (as *Calvine* also sayes, that Saint *Paul* did not desire death for deaths sake, but to be with Christ,) this can remove no man from our side; for wee say the same, that this may be done onely, when the honour of God may bee promoved by that way, and no other.

5 They which say he did not intend his own death principally say the same as we. *Supra.*

Therefore to justifie this fact in *Samson*, (e) Saint *Augustine* equally zealous of *Samsons* honour, and his own conscience, builds still upon his old foundation, [*That this was by the speciall inspiration from God.*] Which, because it appeares not in the History, nor lyes in proofe, may with the same easinesse be refused, as it is presented.

6 That Saint *Aug.* his answer to this fact, that it was by speciall instinct, hath no ground in the history.

e *Aug. de civit. Dei cap.* 12.

To give strength to this opinion of *Augustine*, (f) our Countreyman *Sayr* presents one reason preceding the fact, and (g) *Pedraca* the *Spaniard*, another subsequent.

f *Sayr Thesau. Cas. Consc. l.* 7. *cap.* 9. *Nu.* 9.

g *Pedr. pr.* 5. *Hisp.*

The first is that hee prepared himselfe to it by Prayer. But in this prayer, you may observe much humanity, and weakenesse and selfe-respect. [*O Lord*, saith he, *I beseech thee, strengthen me at this time onely, that I may be avenged of the Philistims for my two eyes.*

7 Of *Says* reasons in confirmation of *August.* that *Samson* pray'd.

The

The second reason is, that because hee effected that which he desired, it is to be presumed, that God restored him his strength to that end, which he asked it. But, besides that in the text it appeares, that (h) his haire before that time, was begunne to be growne out againe, and so his strength somewhat renewed; doth this prove any impulsion, and inciteiment, and prevention of the holy Ghost, to that particular act, or rather only an habituall accompanying and awaking him, to such actions by which God might be honoured and glorified, whensoever any occasion should be presented?

When therefore he felt his strength in part refreshed, and had by Prayer intreated the perfecting thereof, seeing they tooke continuall occasion from his dejection to scorne and reproach his God, burning with an equall fervour to revenge their double fault, and to remove the wretched occasion thereof, he had (i) as a very subtile Author sayes, the same reason to kill himselfe, which hee had to kill them, and the same authoritie, and the same priviledge, and safeguard from sinne.

And he dyed, as the same man sayes, with the same zeale as Christ, unconstrained; for (k) *In this manner of dying, as much as in any thing els, he was a Type of Christ.*

8. Of *Pedr.* his reason, that it was against the work of God, because it was done as it was desired.
h *v.* 22.

9 That he had as much reason, and authority to kill himselfe as to kill the *Philistims*, and that it was only the glory of God.
i *Fra. Georg. probl.* 438.

10. *Samson* in this manner of dying was a type of Christ.
k *Perer. in Gen.* 49. 16.

SECT. V.

1 Of *Saul* 1 *Sam. ult.*

2. Whether the Amalekite did help to kill *Saul.*

The next example is *Saul.* And whether he did perfect and consummat the act of killing himself, or the *Amalekite* contribute his help, it makes no difference to our purpose; But that the latter was true, may wel enough consist with the relation of the history in the (a) first place, and it appeares to be the more likely and probable out of the (b) second: And by (c) *Iosephus* it is absolutely so delivered; And the (d) scholastique history saith also, that *Saul* was too weake to force the sword through his body.

a 1. *Sam. ult.*
b 2. *Sam.* 1.
c *Antiq. l.* 7. *cap.* 15
d *Hist. Schol.*

3. Whether *Saul* be saved or no.

Two things use to be disputed of *Saul.* Whether hee were saved or no; And whether if hee perished, it was for impenitence testified or presumed by this act of his. The *Iewes* are generally indulgent to him: And the Christians generally severe upon this reason, that it is said of him, (e) [*Saul dyed for his transgressions against the Lord, and his word, and asking counsaile of a witch.*] But this doth not necessarily conclude an impenitence, or a second death. For the *Iews* say, That beleeving the sentence of *Samuel* in the apparitions, and accepting that decree as from God, he repented his former life, and then presented and delivered up himselfe and his sonnes, conformably to the revealed will of God, there in the field to be sacrificed

e 1 *Chr.* 10. 13.

ficed to him: underſtanding *Samuells* words you ſhall be with me, to be ſpoken, not generally of the ſtate of the dead, but of the ſtate of the juſt, becauſe both *Samuel* himſelf was ſo, and ſo was *Jonathan*, whoſe condition in this promiſe of being with *Samuel*, was the ſame as his Fathers. And therefore ſaith *Lyra*, [*all Iews and ſome Chriſtians agree, that leaſt by his reproach diſhonour might redound upon God, a good and Zealous man may kill himſelf. as* Samſon *did, and the Virgins.*] And he addeth, [*If other reaſons were not ſufficient to excuſe* Saul, *this alſo might juſtly be applied to him, that he did it by divine inſtinct.*]

Lyra.

Out of which I obſerve theſe two things, that he preſumes there are other reaſons ſufficient in ſome caſes, whether they were in *Sauls* caſe or no. And then the reaſon upon which *Lyra* preſumes he dyed well, [*becauſe the contrary is not declared in Scriptures, nor determined by the Church.*] And *Saul* hath a good teſtimony of ſanctity in this act, from (f) *Mallonius*, [*That as Chriſt died when he would, ſo did* Saul, *thinking it diſhonourable to dye by the hand of his, and Gods enemies.*] That argument which *Burgenſis* bringeth to the contrary, ſuffereth more force and violence in being brought in, then it giveth ſtrength to his opinion. It is, [*That if the fact were juſtifiable in* Saul, *it had beene ſo too in the Amalekite, if his profeſſion to* David *were true, That he had killed* Saul, *and conſequently* David *unjuſt in that execution.*] But, beſides that, that

4. In what caſes the Iews. and *Lyra* confeſs that a man may kill himſelfe.

5. *Lyra's* reaſons why *Saul* is to be preſumed to have dyed well.

f *Notæ in Sindon. c.* 21. *Nu.* 6.

6. *Burgenſis* reaſon to the contrary, that if *Saul* were excuſable, the Amalekite was ſo to.

Amalekite had no conſcience, nor inward knowledge of *Sauls* juſt reaſons, nor other warrant but his commandement, which might, and was to him likely to proceed from *Sauls* infirmities, it might well appeare to *David*, by his comming to tell him the newes, that he had humane reſpects in doing it, and a purpoſe onely to deſerve well of *David*. And when both Judge and priſoner are innocent, oft times the Executioner may be a Murtherer.

7. Of *Sauls* Armor-bearer

And ſuch humane reſpects of wearineſſe and deſpaire, and ſhame, and feare, and fidelity to his Maſter, and amazement, and ſuch, ſtand in the way betweene *Sauls* Armour-bearer and all excuſes, to our underſtandings. For though the phraſe of Scripture impute nothing to him for that fact of killing himſelfe, yet I have found none that offer any particular excuſe in his defence

SECT. VI.

1. Of *Achitophel.* 2 *Sam.* 15. *verſ.* 14.

Neither doe I finde any thing to excuſe *Achitophels* death; though (as I ſaid of the other) the Hiſtory doe not accuſe that particular fact. The Text calles his counſaile good, and it ſeems he was not tranſported with paſſion, becauſe he ſet his houſe in order; And he was buried in his Fathers grave, when *Abſalon* ſlaine by anothers hand was caſt into a pit.

2 He ſet his houſe in order, And he was buried.

But if it were upon a meere diſpute of his owne

owne disgrace, or feare of ill successe, or upon any selfe respect, without proposing Gods glorie, and he repented not, he perished.

SECT. VII.

Of *Judas*, the most sinnefull instrument of the most mercifull Worke, the common, (though not generall) opinion is, that he killed himselfe; but whether by hanging, or no, is more controverted.

1 Of *Judas*. *Mat.27.5. Act.1.18.*

For from the words in the (a) *Acts*, [*That he threw himselfe downe headlong, and burst asunder, and his bowels gushed out.*] (b *Euthymius* thinks, That he was rescued whilst he hanged, and carryed away, and that after that hee killed himselfe by throwing himselfe headlong.

2 *Act.1.18.*

q *Euthym. in Com. in Matt.*

And (c) *Brentius* leaves that indifferent to us, to thinke what we will thereof. But it seemes by (d) *Oecumenius*, that he did not only overlive this hanging, but that he grew to so enormous a bignesse, and burden to himselfe, that he was not able to withdraw himselfe out of a Coaches way, but had his guts crushed out so; which he receives from *Papias* the Disciple to Saint *John*, whose times cannot be thought ignorant, or incurious of *Judas* History.

c *Brent. in Act. 1. 18.*
d *Oecum. in Collect. Act. Apost.*

And it is there said further, that by others it was said, that being swolne to that vastnesse, and corrupted with vermine, hee laid himselfe down

2. He dyed not by hanging himself, in the opinion of *Euthymius*, *Oecum. Papias* S. *Johns* disciple. and *Theoph.*

down upon his field, and there his guts broke out. And this (e) *Theophilact* followes.

And it falls out very often, that some one Father, of strong reputation and authority in his time, doth snatch and swallow some probable interpretation of Scripture: and then digesting it into his Homilies, and applying it in dehortations, and encouragements, as the occasions and diseases of his Auditory, or his age require, and imagining thereupon delightfull and figurative insinuations, and setting it to the Musique of his stile, (as every man which is accustomed to these Meditations, shall often finde in himselfe such a spirituall wantonnesse, and devout straying into such delicacies,) that sense which was but probable, growes necessary, and those who succeed, had rather enjoy his wit, then vexe their owne; as often times we are loath to change or leave off a counterfeit stone, by reason of the well setting thereof.

By this meanes, I thinke, it became so generally to be beleeved, that the fruit which *Eve* eat was an Apple; And that *Lots* wife was turned to a pillar of Salt; And that *Absalon* was hanged by the haire of the head; And that *Iephthe* killed his Daughter; And many other such, which grew currant, not from an evidence in the Text, but because such an acceptation, was most usefull, and applyable. Of this number, *Judas* case might be.

But

e *Theophilact in Mat. 7.* 3. By what meanes many places of scriptures have beene otherwise accepted, then they intend.

But if it were not, that act of killing himselfe, is not added to his faults in any place of Scriptures; no not in those (f) two Psalmes of particular accusations, and bitter imprecations against him, as they are ordinarily taken to be Prophetically purposed and directed.

4 *Iudas* not accused of this in the story, nor in the two propheticall Psalms of him.

f *Psal. 69. et 109.*

And even of this man, whose sinne, if any can exceed mercy, was such, *Origen* durst hope, not out of his erronious compassion, and sinnefull charity, by which he thinks that even the Devill shall be saved, but out of *Iudas* repentance. He sayes, (g) [*The Devill led him to the sinne, and then induced him to that sorrowfulnesse which swallowed him.*] But speaking of his repentance, he sayes, [(h) *Those words*, when *Iudas* saw that he was condemned, *belong to* Judas *himselfe, for Christ was not then condemned.* And upon this conscience and consideration, began his repentance. [*For, it may be, saith* Origen, *that Satan which had entred into him, staid with him till Christ was betray'd, and then left him, and thereupon repentance followed.*] And perchance, sayes he, he went to prevent, and goe before his Master, who was to dye, and so to meet him with his naked soule, that he might gaine Mercy by his confession and prayers.]

5. *Origens* opinion of his repentance.

g *Ex not. Em. Sá in Mat. 27.*

h *Aquin. catena aurea.*

And (i) *Calvine*, (though his purpose be, to enervate and maime, (or at least, declare it to be so defective,) that repentance which is admitted for sufficient in the *Romane Church*, sayes that [*In Iudas there was perfect contrition of heart,*

i *In Mat. 27. 4.*

6. *Calvin* acknowledges all degrees of repentance which the Romane Church requireth, to salvation, to have beene in *Iudas.*

Confession of the mouth, and satisfaction for the money.]

But (k) *Petilian*, against whom Saint *Augustine* writes, proceeded further in justification of *Iudas* last act, then any. For hee said, [*That in suffering death when hee repented, and so was a Confessor, hee became a Martyr.*] Which opinion being pronounced singularly and undefensibly; (l) Saint *Augustine* answers as choleriquely, [*Laqueum talibus reliquit.*] Yet Saint *Augustine* himselfe confesseth, that an innocent man, should more have sinned in such an act, then *Iudas* did, because in his execution there were some degrees of justice.

But of his actuall impenitence I purposed not to speake, nor of his repentance, but onely to observe to you, that this last fact is not imputed to him, nor repentance said to be precluded thereby.

k 23. q. 5. *Tu dixisti. glos.*

7 *Petilianus* his opinion of his Martyrdome.

l *Ibid. Si non licet.*

8. *Iudas* act had some degrees of justice by S. *Aug.*

SECT.

SECT. VIII.

For the Passive action of *Eleazar*, none denies, but that that endangering of himselfe, was an act of Vertue: yet it was a forsaking and exposing himselfe to certaine Destruction.

1. Of *Eleazer* *Macab.* 1. 6. 46. *Ios. Ant.* 12. 15.

For every Elephant had thirty two men upon him: and was guarded with one thousand Foot, and five hundred Horse: And this which he slew, was in his opinion, the Kings Elephant, and therefore the better provided.

2. All confess that an act of vertue.
3. The destruction was certaine.

Howsoever hee might hope to escape before the very act of killing the Elephant, by creeping under it, was a direct killing of himselfe, as expressely as *Samson* pulling down the house.

4. He did as much to his owne death as *Samson*.

And the reasons of this action, are rendered in the Text to have been, To deliver his people, and to get a perpetuall name.

5 The reasons of his act in the text,

And this fact doth Saint *Ambrose* extoll by many glorious circumstances; As [*That hee flung away his Target, which might have sheltred him, That despising death, he forced into the midst of the Army, and* Incluſus ruina, magis quam oppressus, suo est sepultus Triumpho; *And that by death he begot peace, as the heire of his valour.*]

6. S. *Ambrose* his extolling thereof.

And as very many Schoolemen have intended and exercised their wits in the praise of this action, So(a) *Cajetan* gives such a reason thereof, as is applyable to very many *Selfe-homicides*. [That to expose our selves to certaine death, if our first end be not our owne death, but common good, it is lawfull. For, saith hee, Our actions which bee Morally good or bad, must bee judged to bee such, by the first reason which moves them, not by any accident, or concomitance, accompanying, or succeeding them, though necessarily.] And this resolution of *Cajetan*, will include many Cases, and instances, which are headlongly by intemperate censures condemned.

a *Cajet. in* 16. *Iud.*

7. *Cajetanus* his reason for *Eleazers* justification, appliable to very many other cases of *Self-homicide*.

SECT. IX.

The fall of *Rasis*, which is the last Example, is thus reported. [*Hee was besieged and fired; willing to dye manfully, and escape reproach, unworthy of his House, hee fell upon his Sword; for haste, hee mist his stroke, and threw himselfe from the Castle wall; yet rose up againe, and ranne to a high Rocke, tooke out his owne bowells, and threw them among the people, calling upon the Lord of life and spirit, and so died.*]

1. *Rasis Mac.* 2. 14.
2. His reasons in the text.

Which Act the Text accuseth not; nor doth St. (a) *Thomas* accuse it of any thing else, but that

a *Aquin.* 22. q. 64. ar. 5.

it

it was Cowardlineſſe. Which alſo (b) *Ariſtotle* imputes to this manner of dying, as wee ſaid (c) before.

But either he ſpoke at that time, ſerviceably and advantagiouſly to the point which hee had then in hand; or elſe hee ſpoke, *ut plurimum*, becauſe for the moſt part infirmities provoke men to this act.

For (d) S. *Auguſtine* who argues as earneſtly as *Ariſtotle*, that this is not greatneſſe of minde, confeſſeth yet, that in *Cleombrotus* it was: who onely upon reading *Plato* his *Phædo*, killed himſelfe; for, ſaith *Auguſtine*: [*When no calamitie urged him, no crime, either true or imputed, nothing but greatneſſe of minde moved him, to apprehend death, and to breake the ſweet bands of this life.*] And though he adde, [*That it was done rather* Magnè *then* Benè;] yet by this, that which wee ſeeke now is in Confeſſion, that ſometimes there is in this act, Greatneſſe and Courage. Which upon the ſame reaſon which moved *Ariſtotle*, and all the reſt, which is, to quench in men their naturall love to it, he is loth to affoord in too many caſes.

For hee (e) ſayes [*That, except* Lucrece, *it is not eaſie to finde any example worth the preſcribing, or imitating, but* Cato: *Not becauſe hee onely did it, but becauſe being reputed learned and honeſt, men might juſtly thinke, that that was well done, and might well bee done againe, which hee did.*] Yet for all this, hee is loth to let *Catoes* act paſſe with ſo much

b *Ariſtotelis Ethic. l. 3. c. 7.*

c *Supra fo. 130* 3. Whether it be puſillanimity, as *Aqui. Auguſt. and Ariſtot.* ſays.

d *Auguſt. de civit. Dei l. 1. c. 22.*

4. S. *Aug.* confeſſes that to have beene greatnes of mind, in *Cleombrotus.*

e c. 23. 5. How much great examples governe.

much approbation, For hee addes, [That yet many of his learned friends thought it a weakneſſe to let him dye ſo.] And this hee doth becauſe when men have before them the precedent of a brave example, they contend no further, then what he did, not why.

For it is truely ſaid, (f) Examples doe not ſtoppe, nor conſiſt in the Degree where they begunne, but grow, and no man thinkes that unworthy for him, which profiteth another.] Yet, Saint *Auguſtine* though upon this reaſon loth to give glory to many examples, allows all greatneſſe and praiſe to *Regulus*, (g) of whom we ſpoke before: though, to my underſtanding there are in it many impreſſions of falſehood, and of oſtentation, from all which *Catoes* hiſtory is delivered.

And, to end this point, whether it be alwais puſillanimity, *Laertius* ſays (h) [*That in* Antiſthenes *the philoſopher*, videbatur firme mollius, *that lying extreame ſick*, *and* Diogenes *asking him, if he lacked a freind, (meaning to kill him,) and offering him alſo his dagger, to doe it himſelfe, the Philoſopher ſaid he deſired an end of paine, but not of life.*]

As therefore this fact of *Raſis*, may have proceeded from greatneſſe, So is it by *Lyra* excuſed from all ſin, by reaſons applyable to many other. For he ſayes, [Either to eſcape torment, by which probably a man might be ſeduced to Idolatry, or take away occaſion of making them

f *Vell. Paterc. de morte Grac.*

g *Supra*

h. *Diog. Laer. l. 6.*

6. That it was reputed cowardlines in *Antiſthenes* extreamly ſick not to kill himſelf.

7. Vpon what reaſons *Lyra* excuſeth this and like actions.

them reproach God in him, a man may kill himſelfe; For, ſaith hee, Both theſe caſes, *Ordinantur in Deum.*]

And this (i) *Francis a Victoria* allowes as the more probable opinion.] And (k) *Sotus*, and (l) *Valentia*, follow *Thomas* his opinion herein; And *Burgenſis* condemnes it upon this preſumption, That hee could not doe this for love of the common good, becauſe this could not redeeme his people, being already captive. So that his accuſing him helpes us thus much, that if by his death hee could have redeemed them, hee might lawfully have done it.

i *Relect. de homicid. reſp. ad ult. argum.* k *Sotus l. 2. de juſt. q. 3. ar. 8.* l *Valen. to. 3. diſp. 5. q. 8.* 8 *Burgenſis* reaſons confeſſes he might have had juſt cauſes.

Concluſion.

AND this is as farre as I allowed my diſcourſe to progeſſe in this way: forbidding it earneſtly all darke and dangerous Seceſſions and divertings into points of our Free-will, and of Gods Deſtiny: though allowing many ordinary contingencies, to be under our Election, it may yet ſeem reaſonable, that our maine periods, of Birth, of Death, and of chief alterati-

1. Why I refraind diſcours of deſtinie herein.

alterations in this life be more immediately wrought upon by Gods determination. It is usefully said, and appliable to good purpose (though (a) by a wicked man, and with intention to crosse *Moses*,) [*That man was made of shaddow, and the Devil of fire.*] For as shaddow is not darknes, but grosser light, so is mans understanding in these mysteries, not blind but clouded. And as fire doth not always give light (for that is accidentall, and it must have aire to work upon,) but it burneth naturally, so that desire of knowledge which the Devill kindles in us, (as he doth as willingly bring bellows to inflame a heart curious of knowledge, as he doth more ashes to stupifie and bury deeper, a slumbering understanding) doth not alwaies give us light, but it always burnes us, and imprints upon our judgment stigmaticall marks, and at last seares up our conscience.

a *Alcor. Aro.* 65.

2. Man made of shadow and the devill of fire by the *Alcoran.*

If then reasons which differ from me, and my reasons be otherwise equall, yet theirs have this disadvantage that they fight with themselves and suffer a Civill Warre of contradiction. For many of their reasons incline us to a love of this life, and a horror of death, and yet they say often, that wee are too much addicted to that naturally. But it is well noted by (b) *Alcuinus*, (and I thinke from Saint *Augustine*) [*That though there bee foure things which wee must love, yet there is no precept given upon any more then two, God and our neighbour.* So that the other which concernes

3. Our adversaries reasons contradict one another.

b *Alcuin. Ep.* 23.

4 No præcept given to love our selves.

concerne our ſelves, may be pretermitted in ſome occaſions.

But becauſe of the benefits of death, enough hath beene occaſionally interſerted before, having preſented (c) *Cyprians* encouragement to it, who out of a contemplation that the whole frame of the world decayed and languiſhed, cries to us, [Nutant parietes, *The walls and the roofe ſhake, and would'ſt not thou goe out? Thou art tyred in a pilgrimage, and wouldst thou not goe home?*] I will end with applying (d) *Auſonius* thanks to the Emperour, to death, which deſerveth it better, [*Thou provideſt that thy benefits and the good which thou bringeſt ſhall not be tranſitory, and that the ills from which thou delivereſt us, ſhall never returne.*] Since therefore becauſe death hath a little bitternes, but medicinall, and a little allay, but to make it of more uſe, they would utterly recline & avert our nature from it, (as (e) *Paracelſus* ſays, of that foule contagious diſeaſe which then had invaded mankind in a few places, and ſince overflown in all, that for puniſhment of generall licentiouſnes, God firſt inflicted that diſeaſe, and when the diſeaſe would not reduce us, he ſent a ſecond worſe affliction, which was ignorant, and torturing Phyſitians.

So I may ſay of this caſe, that in puniſhment of *Adams* ſinne, God caſt upon us an infectious death, and ſince hath ſent us a worſe plague of men, which accompanie it with ſo much horrour and affrightment, that it can ſcarce be made

5 Encouragements to contempt of death

c *Cypr. Serm. de mortalitate.*

d *Gratiar. act. de conſ.*

e *Chyrurgia mag. de ulcer.*

wholſome and agreeable to us. That which(f) *Hippocrates* admitted in caſes of much profit, and ſmall danger, they teach with too much liberty, [*That worſe meat may be given to a patient, ſo it be pleaſanter, and worſe drink, ſo it be more acceptable.*] But though I thought it therefore needfull, to oppoſe this defenſative, as well to reencourage men to a juſt contempt of this life, and to reſtore them to their nature, which is a deſire of ſupreame happines in the next life by the loſſe of this, as alſo to rectify, and waſh again their fame, who religiouſly aſſuring themſelves that in ſome caſes, when wee were deſtitute of other meanes, we might be to our ſelves the ſtewards of Gods benefits, and the Miniſters of his mercifull Iuſtice, had yet, being, (g) as *Ennodius* ſays) Innocent within themſelves, incurred *damnum opinionis*, yet (as I ſaid before) I abſtained purpoſely from extending this diſcourſe to particular rules, or inſtances, both becauſe I dare not profeſſe my ſelf a Maiſter in ſo curious a ſcience, and becauſe the limits are obſcure, and ſteepy, and ſlippery, and narrow, and every errour deadly, except where a competent dilligence being fore-uſed, a miſtaking in our conſcience may provide an excuſe.

As to cure diſeaſes by touch, or by charme, (both which one (h) excellent Chirurgian, and one (i) excellent philoſopher, are of opinion may be done, becauſe what vertue ſoever the heavens infuſe into any creature, man, who is Al, is capable of,

f *Aphor. l. 2. 38.*

6. Why I abſtaine from particular directions.

g *Ennodius ad Celul.*

7. Laws forbid ordinarie men to cure by extraordiry meanes, yet the Kings of *England*, and *France*, & *Spaine* cure ſo.

h *Paracelſus Chyrurg. Mag. tract. 2. cap. 8. et de tranſ. cap. 10.*

i *Pet. Pomp. de immort. c. 4.*

of, and being borne when that vertue is exacted, may receive a like impreſſion, or may give it to a word, or character made at that inſtant, if he can underſtand the time) though theſe, I ſay be forbidden by divers Lawes, out of a Juſt prejudice that vulgar owners of ſuch a vertue, would miſ-imploy, it, yet none miſlikes that the Kings of *England* & *France*, ſhould cure one ſickneſſe by ſuch meanes, nor (k) that the Kings of *Spaine*, ſhould diſpoſſeſs Dæmoniaque perſons (o, becauſe Kings are juſtly preſumed to uſe all their power to the glory of God; So is it fit, that this priviledge of which we ſpeak ſhould be contracted and reſtrained.

k *Caſſanæus catal. glo. mun. par. 5. conſider. 1.*

For, that is certainly true of this, which (l) *Caſtianus* ſaith of a ly, [*That it hath the nature of* Ellebore, *wholſome in deſperate diſeaſes, but otherwiſe poyſon.*] though I dare not averre with him, [*That we are in deſperate diſeaſes, whenſoever we are* in ingenti lucro, aut damno, et in humilitate, ad evitandam gloriam] Howſoever it *Caſſianus* miſtake that, and we this, yet (m) as he, and *Origen*, and *Chryſoſtome*, and *Hierome*, are excuſed for following *Platoes* opinion, that a ly might have the nature of medicine and be admitted in many caſes, becauſe in their time the church had not declared her ſelf in that point, nor pronounced that a ly was naturally ill, by the ſame reaſon am I excuſable in this Paradox. Againſt the reaſons whereof, and againſt charity, if prejudice, or contempt of my weaknes, or miſ-devo-

l *Caſian. l. 17 cap. 17. ad 25* As *Hier. Orig. Chryſoſt.* and *Caſianus* are excuſd for following *Plato* in the toleration of a ly, becauſe the church had not then pronounced, ſo may it be in this.

m *Obſervat. in Caſian. in fine l. fo. 740.*

tion have so precluded any, that they have not beene pleased to taste and digest them, I must leave them to their drowsines still, and bid them injoy the favour of that indulgent Physitian, *Qui non concoxit, dormiat.*

Cornelius Celsus sent. 15.

FINIS.

20. *Sept.*
1644.

Imprimatur
Io: Rushworth.

MILLS COLLEGE LIBRARY

THIS BOOK DUE ON THE LAST DATE
STAMPED BELOW

Books not returned on time are subject to a fine
of 10c per volume per day.

Mr 4 '40

My 8 '40

NOV 1 1 '57

MAY 16 '69

APR 1 '70

OCT 31 '79

MAR 28 '84

April 11

MILLS COLLEGE LIBRARY

BNF Biathanatos,
179.7 D685b Donne, John, 1572-16

3 3086 00061 5716

179.7 56601 D685b

Mills College Library
Withdrawn